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ANCIENT LAWS AND CUSTOMS

OF

THE BURGHS OF SCOTLAND.

ANCIENT LAWS AND CUSTOMS

OF

THE BURGHS OF SCOTLAND.

VOL. I. A.D. 1124—1424.

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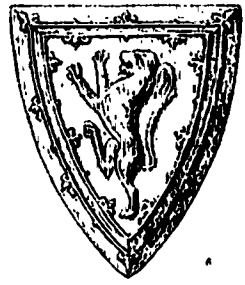

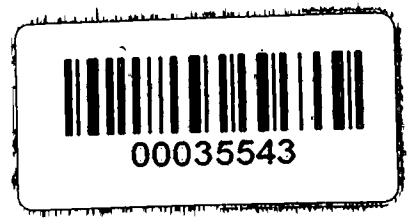

EDINBURGH

PRINTED FOR THE SCOTTISH BURGH RECORDS SOCIETY

MDCCCLXVIII.

THE SCOTTISH BURGH RECORDS SOCIETY.

THE value of the old Records of the Burghs of Scotland, as throwing light upon national life and manners, explaining national institutions, and illustrating social progress, has been fully recognised, and can scarcely be exaggerated. Some of the Book Clubs, which have contributed so much to the elucidation of Scottish History, have already directed their attention to these Records. The Spalding Club has given the country a peculiarly interesting and valuable series of extracts from the Records of the Burgh of Aberdeen, while the Maitland Club has published notices from the Records of Dysart, and extracts from the Burgh Records of Glasgow, Prestwick, Edinburgh, and Canongate. Apart, however, from what has been done in regard to Aberdeen, it cannot be said that much more has been effected than merely to break ground in the direction of investigating and publishing extracts from the Burgh Records of Scotland; and as nothing more is now to be hoped from the Book Clubs which still exist, it is proposed to raise a fund by annual subscription for the special purpose of undertaking this work.

Besides extracts from the Burgh Records, copies of the Charters of Burghs and illustrative Extracts from contemporary local Records will be given, as far as may be considered desirable.

The annual subscription is one Guinea, payable in advance, on the 1st day of January. The first subscription was payable on 1st January 1868.

The Extracts from the Records of each Burgh will, as far as the

Committee consider expedient, be issued separately, and without adhering to any prescribed order.

As affording a key to much that is to be found in the Records of the Burghs, and as generally illustrative of municipal institutions in Scotland, the Committee have resolved to publish, in early volumes of the series, the Laws of the Four Burghs, and the other old Laws of Scotland relating to the Burghs, from the earliest period of record to the Accession of James VI. to the Crown of England, if not to the Union of the two Kingdoms. The editing of this work, and the preparation of an introductory historical sketch of the Burghs, have been undertaken by Professor Cosmo Innes. The first volume will carry down the work to 1424, and will be ready in November. The second volume will, it is expected, be issued next year.

Considerable progress has been made in preparing for the Press a volume devoted to the oldest Records of the City of Edinburgh. This volume will include all that is now known to exist of the Records of the Town Council of that Burgh previous to the commencement of the regular series of its proceedings in 1551, and will, it is expected, be ready for issue early next year.

A selection of extracts from the oldest records of the Burgh of Peebles, extending from 1456 to 1483, has been made, and is nearly ready for the Press.

Arrangements have also been made for the preparation of selections from the oldest Records of other Burghs.

The Committee invite the co-operation of the custodiers of local Records, of those engaged in the investigation of Family History, and of others conversant with the antiquities of Burghs, and will be glad to receive suggestions as to the manner in which the objects of the Society may be best promoted in particular districts.

It is requested that all who are disposed to further the prosecution of this project, will be so good as to intimate their subscriptions as early as possible to the Secretary or Treasurer.

Edinburgh, 1868.

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ARRANGEMENT OF THE CONTENTS OF THE VOLUME.

1. The collection which stands first, is the Code that has been so long known by the name of the *Leges Burgorum*—the Burgh Laws of Scotland, which must have been the result of some experience of the objects and difficulties of burghal administration. Adopted first in the four Southern Burghs, the Code soon became the law of all the Burghs of Scotland, the charters of many of which are drawn *verbatim* from its provisions. This body of laws, with the exception of some manifest additions, was sanctioned by the legislature as early as the reign of David I. (1124–1153). *Leges Burgorum.*

2. A few chapters of the ascertained legislation of William the Lion, applicable to Burghs, come next in order of date; William's long reign extending from A.D. 1165 to A.D. 1214. *Assise Willelmi Regis.*

3. The statutes of the Guild, at first enacted for regulating the Guild of Merchants of Berwick, were soon generally adopted, and quoted as authoritative amongst the Burghs of Scotland. They bear to have been enacted in the mayoralty of Robert de Bernhame, who was mayor of Berwick in A.D. 1249. *Statuta Gilde.*

4. The treatise of the *Regiam Majestatem*, so curiously imported from the English work of Glanville into the collections of Scotch lawyers, and then so carelessly sanctioned by the legislature of Scotland, has furnished two short chapters to our collection. One of these, asserting the freedom of a serf who shall have been a year and day within burgh, though undoubtedly recognised as law in Scotland, is of English origin, and as old as the laws of William the Conqueror. *Regiam Majestatem.*

5. Certain laws taken from the treatise called *Quoniam Attachiamonta* from its beginning words, or *Leges Baronum*, which contains some of our earliest *Quoniam Attachiamenta.*

brieves and rules of process, cannot be fixed with any accuracy of date. Some of the brieves run in the name of King Alexander, but there are forms of procedure which may be ascribed to an earlier period.

Constitutiones Novæ. 6. These "new constitutions" are identical with clauses in some charters of William the Lion, but as here collected, they are found only in the ancient chartulary of Glasgow, in a handwriting of the 13th century.

Assisa de Tollonels. 7. Next is placed a capitular regarding great and small customs, which is of very high antiquity, though from the fluctuating nature of its subject matter, it cannot be held as a tariff of customs and duties at any one period, and it is now chiefly useful as marking the commodities exported and imported in Scotland in the reign of Robert Bruce, and earlier.

Articuli Inquirendi in Itinere Camerarii. 8. This list of points to be inquired into by the Chamberlain in his eyre, appears to be of the last half of the reign of Robert I., which ended in 1329.

Juramenta Officiariorum. 9. Certain forms of oaths to be taken by officers are taken from the Ayr MS., which is of the time of Robert I. (1306-1329).

Iter Camerarii. 10. The next capitular contains further forms of procedure connected with the eyre or circuit of the High Chamberlain, who had cognisance in all burgh matters. It is apparently of the end of the 14th century.

Curia Quatuor Burgorum. 11. This, which bears to be a record of statutes passed in the Court of the Four Burghs, held at Stirling on the 12th October 1405, has no other authority for its date than that of Sir John Skene. The six chapters are no doubt of a period as least as old as that ascribed to them by the first editor, but the MS. from which they are taken does not ascribe their enactment to the Convention of Burghs.

Fragmenta Collecta. 12. These fragments of old laws, consisting of isolated notes of customs scattered through the MSS. of lawyers, cannot of course be ascribed with precision to any one date. Some remarks upon them will be found in the Preface to the "Acts of the Parliaments of Scotland," Vol. I., p. 46.

The rest of the Volume, consisting of Acts or Proceedings in Parliament, are placed according to their ascertained dates.

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PREFACE.

PREFACE.

IT was not without some hesitation that I assigned the first of the two dates which appear on the title-page, for while we have evidence from charters and chronicles that several of the codes and capitularies of burghal law collected in this volume, were gathered and methodised in the reign of David I. (1124–1153), it is not to be doubted that many of the individual laws are of an earlier age; and yet more, the customs and institutions themselves, as happens in all such cases, must have been fixed in practice before they were formulised in legislative language.

The first printed edition of these laws—that of Sir John Skene—was scarcely worthy of its subject, and had the mischievous effect of postponing a more scholarly collection for a long time. The task, at length, was thrown upon Mr Thomas Thomson,—a name never to be forgotten in Scotch History,—who brought all the best

qualities of the historian, the antiquary, and the lawyer, to place these venerable relics of early legislation on their true footing. The text settled by Mr Thomson in his great edition of the "Acts of the Parliaments of Scotland," has, with rare exceptions, been adopted in the present work.*

The laws here laid before the public have been recognised for many ages, and pleaded in all courts as the Burgh Laws of Scotland, without much critical questioning of the enacting authority. In our more critical age, it may be sufficient to say, that the substance and shape of many of the laws mark their enactment to have been in a primitive state of society,† and as

* Some of the MSS. of the early laws of Scotland reach to a high antiquity. The Berne MS., written in a hand of the 13th century, has a marking on a blank page (vellum was scarce then) of how William the shepherd of Malkerston rendered his tale of ewes, dinmonds, and hogs, on the Sunday before the feast of St Andrew, in the year 1306.

The Ayr MS., which must have belonged to the burgh of Ayr very early, is of the beginning of the next (the fourteenth) century; and about thirty other MSS. are still extant, more than twenty of which have been collated for the text given in the "Acts of the Parliaments of Scotland" here followed.

Most of these are in Latin. The first which gives any considerable body of the laws in the vernacular language is a MS. in the Advocates' Library (W. 4, ult.), ascribed by Lord Auchinleck to the year 1455, on sufficient grounds. Before that century (the fifteenth) Scotch was little used in business or even in private correspondence.

† For instance, it is plain that villenage or serfdom was still in fresh observance, while these burghal institutions furnished one means of escape for the serf, whose complete enfranchisement was to be accomplished ages later, without legislative act, by the mere force of our free institutions, which abhorred slavery.

Other marks of antiquity are the remains of the judicial procedure of a young world,—the ordeal or appeal to the Deity, by combat, by fire, by water *(bellum, ferrum, aqua)*, over which comes the acquittal, not by

they owe their origin to immemorial usage, before legislative acts were generally reduced to writing, so their later existence and preservation in such a series of lawyers' books, furnish the best historical evidence of their adoption in practice. To have settled so much is more important for our historical inquiry, than any discussion as to the law-giver or the legislative body from which they may have emanated.

Such as they are, I believe that no other body of burgh laws and customs, so ancient and so well authenticated, exists in the world.*

But while our Code, which I have called "The Ancient Laws and Customs of the Burghs of Scotland," stands alone in its completeness, the institutions which it commemorates, the class of free towns for which it was created, were springing up about the same time all over Christian Europe. The foundations, indeed, of such fastnesses for liberty and law, and some measure of self-government, were scattered wherever the old Roman dominion had extended. The municipia and cities of the provinces, even

exculpatory evidence by witnesses to the fact, but by the oaths of compurgators, friends to speak "to character"; and last of all, the judicium parium—*judicium 12 virorum secundum assisas burgorum* (the trial by the verdict of 12 men, according to the laws of the burghs).

* Houard, the legal antiquary of Normandy and of France, while he adopts the feudal part of our Scotch laws, as well representing the feudalism of Europe, imports into his "Anglo-Norman customs" the whole of our Burgh laws, and seems inclined to claim them as Norman, and therefore French. It is not necessary to vindicate their nationality. It is only to be regretted that M. Houard, in reprinting our Scotch laws, adopted uncritically the readings of Skene, the most incompetent editor of a not unlearned age and country.

when pillaged and ruined by the invading barbarians, retained some points of social union, some notions of what was necessary for protecting life and property, upon which, or in imitation of which, were founded the cities of reviving order.

Cities of Italy.

More early than other countries after the extinction of the Roman Empire, Italy recovered something of ancient civilisation. The swarms of barbarians who had overrun her plains,—the Ostrogoths, Lombards, Franks,—had not so obliterated the traces of old order, but that her once famous cities were still known by name, with some shadow of that self-government which the Empire had allowed to its provincial and privileged towns. In the 9th and 10th centuries, the people of Western Italy, tired of ages of violence, having received, too, some notions of order from the Christian priest, began to draw together into the old cities wherever a ruined wall or castle might still serve them for defence against the spoiler. Finding the benefit of union, they gradually restored their city walls, and established a local administration in imitation of the old municipal council. The lords of castles often found dwellings within the cities. At any rate, they did not at first oppose the reconstruction, nor interfere with the renovation of local government.

The Lombard cities, thus strengthened by union, and affording entire protection to property, soon rose in wealth and consequence. Trade flourished; some manufactures were introduced; Milan, Pavia, Mantua, Verona were the workshops of the world before the end of the 12th century. Pisa, quite independent, and republican in constitution, was very powerful, possessing Sardinia and Corsica. Her palaces were the pride of Italy; her Cathedral

of the 11th century, the Baptistery, the Campo-Santo of the 12th, are still the admiration of the artist. In the 12th and 13th centuries, Genoa, under her Doges, bore her part with Pisa in the wars against the Saracens, then the terror of southern Europe. Her merchants, really princes, took pride in ornamenting their city, which is still the most superb of sea-ports. All these cities of Western Italy had achieved independence before the 11th century.

On the Adriatic shore, still earlier, had risen a city of no antique foundation, of name unknown to the Roman Emperors. The rise of Venice cannot be placed later than the 7th or 8th century, even if we discard the tradition of her first settlers being citizens of Aquileia, scattered abroad when that city was taken by Attila. Strange as it may appear, the origin of Venice was probably not unlike that of some of our own coast towns, or like the English Ely, as the chroniclers describe the island rising out of the marshes which alone afforded a refuge from the Danes. The Venetians, perhaps as early as the 5th or 6th century, had found shelter in some of the hundred islets that float over the Lagunes, and there built the little town of Rivo-alto. Living by fishing, they gradually extended their navigations across the narrow Adriatic. They elected their own magistrates, unchallenged by the Eastern Emperors, who still affected to rule that coast of Italy. First of all the moderns, these fishermen began to push a sea-borne commerce, and they rapidly spread their influence over the coast of Dalmatia, and their trade down to the extremity of the Levant. A.D. 422.

In that age of general disorder, the floating elements of peace-

ful society were drawn with rapidity to any centre where some spirit of union had given security. Men of wealth sought the protection of the commercial republic, where wealth was safe and respected. Commerce and its riches increased the more rapidly that there were few other channels into which they could be diverted. Then, too, the mere possession of a fleet of ships was a power; and it was as much for transporting the Crusaders to Asia as for the assistance of Venetian troops, that Venice had so large a share of the plunder of the fourth Crusade, when the blind old Doge Henry Dandolo, after Constantinople was taken, refused the throne of the Empire of the East, because it was not fitting that the first magistrate of a free republic should be the head of a monarchy.

Free towns of Spain.

The burghs of the Christian kingdoms of the Spanish Peninsula followed in the wake of Italy. There was sometimes the same remembrance or tradition of the old Roman foundation; the love of civic independence, and of an armed protection and defence, joined well with the fierce struggle that raged for so many centuries between the Christian Spaniards and their Moorish masters. There was no jealousy of popular arms then; every united body of Christians was to be encouraged, and the natural dislike of the feudal lords to such democratic institutions, was more than neutralised by zeal for the faith, and hatred of the common enemy. Merchants who could furnish the sinews of war, and could themselves wield a sword, were encouraged to unite, to surround their houses and cities with walls, to build towers and castles, especially on the Moorish frontier. The burgesses rose in rank and public esteem as fellow-soldiers of the Cross, and they

were encouraged to frame rules for the management of their own affairs. To give shape and stability to their constitution rather than as marking its origin, many of those communities accepted charters of incorporation from the sovereign, formally granting the right of electing their own magistrates, the management of their common affairs, the right of resisting violence from without, the privileges of internal jurisdiction civil and criminal,—whatever was necessary for protecting life and property. The Spanish charters guarded anxiously against the power and violence of neighbouring lords. These were not permitted to acquire lands within the burgh, nor to build any strength in it; and if they chose to dwell within the town, they were bound to submit to its jurisdiction. All arbitrary imposts, if even in use, were commuted for a certain moderate *cess*, which was collected by an officer of the crown, who resided in the burgh, and was associated with the elected magistrates. This was exactly our *ballivus* (bailie) in his original shape and intention. Many of these incorporations are about the same date. Leon, which was the first considerable city taken from the Moors ages before, boasts the earliest extant charter of undisputed authenticity, granted by Alphonso V. in 1020.

Barcelona, an ancient privileged *municipium* of Rome, afterwards an independent State under Counts of its own, then united to Catalonia, and capital of the little kingdom, though exercising privileges beyond record, accepted a charter of confirmation from Raymond Beranger, Count of Barcelona, as old as 1025. The City, in the 13th century, had reached a high pitch of prosperity; she divided with the Italian cities the lucrative trade of Egypt and the East; she brought wool from England to

manufacture into cloth, and spun and wove her native silk ; she established, perhaps the first bank, and promulgated the first written code of maritime law among the moderns.*

For centuries those independent burghs of Spain, trading, fighting, often turbulent, factious, troublesome, always awake and active, assisted greatly in repressing the gallant Moors. They sent representatives to the national Parliaments before any other European Third Estate, and were the chief means of maintaining that high position which Spain held among the nations of Christendom, till smitten down by a successful course of tyranny and bigotry.

Towns of the Netherlands.

If we turn now to the other extremity of continental Europe, we find another retreat of freedom, among wilder scenery and under a less genial climate, but otherwise resembling the foundations of the Italian republics. It is very instructive to observe the circumstances which gave their peculiar character to the free cities of the Netherlands.

Sheltering in the morasses of the great delta, the vast plain formed by three rivers, the Rhine, the Meuse, and the Scheldt, hemmed in by warlike princes and soldiers on one side, overhung on the other by the sea, ever threatening to carry away their mud-banks,—the remains of the old Batavian, Frisian people, the old enemies of Cæsar, were driven into union by the necessity of resisting such adversaries. Their fishing villages and rude hovels must be protected from the sea by works requiring not only united energy, but considerate plans of engineering and common

* *Consulado del mar ;* published about the middle of the 13th century.

action. Their managers, the engineers and directors of those works, the guides who taught them how to form a harbour, to turn a morass into a productive meadow, to shape the stagnant pool and the lazy brook into canals for shipping,—these were their chosen leaders, and under them the villages grew and throve. From the first, the people were fishers, and ploughed the sea even more than the land. In those narrow seas they soon became traders, carriers from shore to shore, with perhaps a dash of pirate; but hardy, active, independent, relying on their individual resources, yet accustomed to co-operate,—these were the elements out of which a free republic should be made. The nameless villages, getting rich by industry and trade, while the world around was busied with nothing but war, became towns and cities. In Holland, towns like Dort, Haarlem, Leyden, Amsterdam; in Flanders, great cities, such as Bruges, Ghent, Liege, pressing forward in the career of commerce and manufactures, heaped the produce of their industry on the shore they had gained from the sea, till the swamp on which they stood became the richest country in Europe, their cities the most flourishing.

In such societies, where government from within and combination are manifest as the very conditions of existence, we do not seek for charters and written codes to prove antiquity of corporate government, though they may serve to shew the approved form of constitution.

The East Frieslanders, seven states, took no charters, owned no outside sovereign nor feudal superior. Each district chose a *griet-man* to manage its affairs; and over every state an officer presided, who was chosen by the people and who swore to be

faithful to the state. That officer had the name of *Podestà*, borrowed from the Italian republican cities. He was assisted by a body of councillors, also elected by the votes of the people. Annually at Easter, the whole free people chose deputies, who met and held a short Parliament for the affairs of the federation.

But in the other provinces,—in Holland, Brabant, Hainault, Flanders,—the communities, as they grew into importance, sought the sanction of charters of constitution and privileges from their feudal over-lords, or the princes to whom they acknowledged a modified subjection and dependence. Many of these charters are extant, of the 12th and 13th centuries. One of the earliest,—that granted in 1217, by the Count of Holland and the Countess of Flanders jointly to Middleburgh,—confirms a limited jurisdiction to the burgh magistrates, the Schepens and Schout, from whom an appeal lay to the Count. If either party in a process was contumacious, the magistrates were to ring the town bell, and the burgesses were forthwith to assemble and compel obedience.

In a short time, all the burghs and cities of the Netherlands obtained, often purchased with money, the right of choosing their own magistrates—Burgemeesters, Vroedschappen. Before the end of the 12th century, the chief towns of Holland* sent delegates or representatives along with the nobles to the assembly of the provincial states.

After this period, the cities of Flanders were as free as their burgesses could desire. Ghent was one of the most important in population and power and in the cultivation of its inhabitants.

* Such as Dort, Haarlem, Delft, Leyden, Gouda, Amsterdam.

The city had 52 guilds of merchants, and 32 distinct fraternities of weavers, each guild and fraternity electing its own governor. The Senate, which made laws and executed them, consisted of 26, partly wealthy burghers, chosen by an electoral college named by the citizens. The city could turn out 80,000 fighting men ; and no weaver, cutler, or tanner failed to rush to the *marché du vendredi*, when summoned by the mighty "Roland," the ancient bell, the pride of the citizens.

Antwerp was the capital of Flanders, and before the discovery of the sea passage to India, it was the chief mart and centre of the great overland Indian commerce and the exchange of all Europe. Before London had taken any lead in commerce, Antwerp had merchants among her citizens, who ranked with princes in influence, in magnificence of living, and especially in the cultivation of Art, which throve among them as it had done in the rival cities of Italy, if the Flemings did not even lead the way.

Thus fostered by freedom, enriched by trade, drawing strength and consistency even from their adverse circumstances, these free towns of the Netherlands were the promoters of art, science, and literature. In the 15th century, the new art of spreading thought reached the country where thought was most active. Printing did much for the fellow-citizens of Erasmus and Grotius. The Reformation of religion followed, and furnished new motives to the Empire and to Rome for suppressing the rebellious burghers, who dared both to govern and think for themselves. The burghers resisted, and, after a century of struggle amidst the cruellest sufferings, were able, with the sympathy of the people of England, and the niggard help of its government, to throw off the tyranny of

Spain and the yoke of the Inquisition, and to set the first example of steady, rational, constitutional liberty to Continental Europe.

Good towns of France.

As in the rest of Europe, the 12th century is the era of the rise of free towns in France. The French antiquaries labour to connect the enfranchisement of that age, first with the reform of Charlemagne, and, still farther back, with the provincial *municipia* of old Rome. It is not to be denied that all modern burghal organisation may have had its type in the permitted local management of the provincial cities, as they flourished before the downfall of the Empire; but it does not serve my present purpose to trace the principles of subordinate government through the subsequent period of darkness and disorder. The disorder was at its worst over all Europe when the 10th and 11th centuries had added everywhere the armed combination of the feudal system. Cities which had begun to re-unite for common defence were no longer tolerated, and the attacks made upon their privileges drove them to some united and considered mode of resistance. Throughout France in the 12th century, the contending parties were the people of the towns seeking some independence, and the Count or other feudal lord who had the seigneury of their district. Sometimes the town won its freedom by main force, the citizens making friends where they could, and the King nothing loath to depress the too-powerful lord. More commonly a transaction took place between the contending parties, and it was not difficult to shew a reasonable Lord that a willing vassalage was worth the surrender of some showy seignorial rights. But the independence of a French city after all was of a very modified kind. So deep-seated were the feelings of feudalism, and so small the power of the

Crown, that it never occurred to the citizens of a French town to assert an absolute and independent sovereignty, or burghal privilege subject only to the central government. They were best off who made the best bargain with the Count of the district, buying off some of his exactions, compounding for others at an equitable rate; but still feeling the dependence of their position, and often smarting from the caprices of the successive lords.*

* Augustin Thierry, the zealous historian of the *Tiers Etat* in France, has bestowed great labour and research upon the history of French Burghs. One of these, where the materials are fuller than in most cases can be expected, furnishes nearly a continuous history of a French city, from the time of Roman dominion down to our own éra.

We find the city of *Amiens*, known in the days of Cæsar as *Samarobriva* (the Bridge of the Somme), *Ambianorum* called so from its river and the tribe of Gauls who possessed it, but gradually taking its name from the latter only, which has passed into the modern name of *Amiens*. Here we find Bishop St. Firmin in the third century of Christianity. At the general onslaught of the northern barbarians in the fifth century, it suffered like the other cities of Roman territory, but recovered partially. In the end of the fifth century came the inundation of Salian Franks, and the country after a time took some shape and order under Clovis and the Merovingian dynasty.

The city under the old Roman rule had a court *(curia)* having jurisdiction in local matters, but all real sovereignty, even criminal jurisdiction, was in the central power at Rome.

By the overthrow of the empire, the part of the jurisdiction reserved to the central power, here as in other cities, fell into the hands of the magistrates, who had hitherto only exercised an inferior or aedilitian jurisdiction. The magistrates were now of more consequence, and were made up of the notables, with the new element of the Bishop, at that time elected by the people, and who now became a civil authority.

The Merovingian kings of the Franks established through all their provinces governors of high jurisdiction, called counts, and both kings and counts soon interfered with the management of the cities, and no doubt exercised great control, but without breaking down entirely their old constitution of magistrature and other privileges.

Charlemagne, among his reforms, gave a right of electing *Scabinos*—

Burghs of England.

When the passion for burghal freedom reached Britain, it found both the island kingdoms in a very different position from France

Échevins—magistrates having judicial authority—to the citizens and Counts jointly; but under the misrule of the successors of the great emperor the Counts engrossed absolutely the power of appointing the Échevins, and whatever was the law, during the 10th and 11th centuries, the Counts exercised the power of appointing all magistrates within the city,—chiefly their own new feudal vassals. At this, more nearly than any former period, the traditional freedoms of the city had disappeared.

With the 12th century rose the general desire through France and over Europe to shake off the oppression of the feudal lords, and to restore or establish some municipal rights and freedom in towns,—a share at least in the choice of their own magistrates and in administering their property and affairs. The people of the cities entered vehemently into the struggle for independence, swore mutual support and alliance, and within each town established for their common affairs *guilds*, *communes*, *conjurations*, which drew upon them the censure of the early monkish writers, who were mostly good Tories, —*communio, novum ac pessimum nomen*, says Abbot Guibert de Nogent, writing in the 12th century.

At this time (the beginning of the 12th century), the whole lay authority of the city of Amiens and its territory, civil and military, was exercised by the Count Enguerrand Seigneur de Coucy. Geoffroy was bishop, and supported the popular demands of the citizens (he was afterwards sainted by the grateful people). Not content with such a patron, the citizens negotiated with the Sovereign, and for a sum of money obtained from Louis le Gros (Louis VI.) a confirmation of privileges of the *commune* and its new popular magistracy. The king was distant, but still his name was a certain power. The bishop and his *Vidamme*, or bailie, Guermond Seigneur de Picquigny, assisted the citizens with help nearer at hand. The count had the territory all round, and in alliance with him, the castle (*Castillon*), a thorn in the side of the citizens, was garrisoned by the Chatellain, who, though feudally holding of the crown, sided with the count against the presumptuous burgesses, and served him to the utmost.

At the beginning of the 12th century, we have a minute account of the city. The castle garrison is every day attacking the town, and the fighting is in every street; the citizens barricading their houses for their defence, and sending their valuables to the neighbouring monasteries. The bishop's lands, and those of the chapter, have been occupied by the count's soldiers.

and the Continent. England, which had felt the civilisation of Rome, was not altogether thrown back into barbarism when the

In that strait the bishop and the community besought the immediate intervention of the king, who took in good earnest the side of the burgesses and the clergy, raised his banner, and in person led a force to assail the castle, where, however, his Majesty was unsuccessful, and left Amiens, wounded. Then the attack was changed into a blockade, and after two years the castle of Castillon was taken and demolished, and the count and his family expelled. Even then, absolute burghal freedom was not dreamt of. Another count of another family was discovered to have a better right than the Coucys, and the citizens consented to treat with him. The royal charter followed in 1117, and by it the seignorial rights of the new count were recognised, while the city was established in its municipal privileges, which, according to our notions, could hardly co-exist with the claims of the feudal lord. M. Thierry maintains that the city was now sovereign as to jurisdiction, with election of its own magistrates, its mayor and Échevins, who had power of life and death, and the administration of its own affairs. But every law of its carefully worded charter tells of the rights of the lord,—not only the territorial rights of mill, kiln and oven, but the right to levy dues at the gates upon merchandise, and a proportion—apparently one-third—of fines and amercements awarded in the burgh court. All that then remained of stated *income* to the community were the two thirds of fines, certain small ground-rents received from occupants of houses, lands, water-courses, fisheries and marshes, the property of the town (whether the immemorial property of the city or obtained by gift or purchase from the over-lord), and entry moneys of burgesses. Such were all the means of the community in common circumstances. When extraordinary pressure arose, it was necessary to meet it by a levy.

It was open to the community of citizens to purchase from their lords any of those dues and taxes, and such transactions sometimes took place. But the title to sell must have been questionable, and successive charters from successive lords shew that the burgh title required strengthening.

At length, towards the end of the 12th century, King Philippe Augustus having acquired the county of Amiens from Philippe d' Alsace, Count of Flanders, granted, as king, a charter (1190) to the community of Amiens, with but trifling variations from their tenure under their counts. It was something, however, to have one master instead of two.

Romans left her to her own resources. Such places as London, which Tacitus marks as a great commercial city, and York, where the Sixth Legion was quartered for centuries, were never entirely ruined, nor so fallen back into savage life as quite to forget their old organisation. The burgs built by the Saxons against the Danes, had continued to afford protection for life and property after the Danes had become a peaceful part of the population. St. Augustine brought in a new civilisation, and towns clustered round cathedrals and abbeys, even where the churchmen had not chosen towns already existing for their sites. I will not stop to inquire whether these towns, Roman or Saxon or ecclesiastical in their origin, were 'corporations.' At the Norman conquest (1066), there were nearly a hundred cities and burghs in England recognising no feudal lord, and it will scarcely be doubted, governing their own affairs.* The charter of the Conqueror to London, as well as those to Winchester and other towns, granted by his early successors, are in no respect like erections or new creations of burghs. The charter of King John of England in 1216 to Newcastle, runs as a grant and confirmation *burgensibus nostris de novo castro*,—to the burgesses of an already existing corporation ; and

* Some of the oldest and greatest of these burghs were no doubt connected with great ecclesiastical establishments, regular or secular; and Canterbury, Winchester, Oxford, even York, might acknowledge dependence upon their bishop; but London, Bristol, great trading towns, must have enjoyed independent freedom. When the Conqueror granted his little Saxon charter to London, he gave his friendly greeting to the bishop, and the portreeve; and all the burgesses, French and English; he took them under his protection, and declared that no man should do them wrong; but he only granted that they should retain all the rights which they enjoyed in the days of Edward the Confessor.

these burgesses are to have privileges and jurisdiction according to the ancient custom of the city of Winchester (*secundum antiquam consuetudinem civitatis Winton*), alluding to the charter of Henry I. to Winchester, a favourite precedent with the English burghs, or perhaps indicating the more ancient burgh usage, which was reduced into writing in that royal grant. Such charters to burghs followed each other rapidly in the reign of Henry I. and his successors, and all of them appear to point to an earlier burghal constitution, and not one to the rights of a feudal superior; whilst the uniformity of their privileges proves that they were part of one great movement felt alike in Britain and the continent in that age.

The oldest burgh charters in Scotland are only of the reign of William the Lion; but, like the early English charters, they point plainly to a previous burghal organisation. We have even some charter evidence of the previous existence and importance of burghs. A charter of David I. grants to the Abbey of Dunfermline, a toft in his burgh of Haddington, as free from all customs and services as the Abbot holds any other toft in others of the king's burghs. He gives to the same Abbey, by a writ addressed to the bailies of Perth, a toft in his burgh of Perth; and in another instrument, the king grants a dwelling (*mansuram*) in his burgh of Dunfermline, another in his burgh of Stirling, and one in his burgh of Edinburgh. The same king granted to the Priory of Urquart an annual payment of twenty shillings out of the ferme of his burgh and waters of Elgin.* Scotland.

* *De firma burgi mei et aquarum de Elgin.* Elgin was not yet a Bishop's see. These instances are from the Chartulary of Dunfermline. David I. made similar grants from burgh rents to his other great abbeys of Holyrood, &c.

King William's charter to Rutherglen, grants to the burgesses all the customs and rights which they had in the time of King David, his grandfather, and specifies the boundaries of privileges which David had established. It would seem, therefore, that that burgh had a specific grant from David I., and apparently in writing; but I know of no other instance of such a grant by that king. The references, in other charters, to the custom as it was in the time of King David, and grants of privileges according to the laws of King David, point rather to the body of Burghal legislation which was so early ascribed to him.

The interest which David I. took in burghs, was not confined to the ancient royal burghs. When Robert Bishop of St. Andrews wished to erect a burgh at his episcopal see, he obtained license of King David; who bestowed upon him also the services of Mainard the Fleming, to be his bailie there, a person of good experience in the matter, having previously been a burgess of the king in his burgh of Berwick.

When at length, in the time of King William the Lion, the burghs of Scotland sought and obtained charters, fixing their privileges in writing, and with the sanction of the sovereign, they do not seem to have had any such enemies to contend with as the burghers of the continent had. There are no traces of any feudal lords of the soil, whose rights were to be reserved in granting freedom and jurisdiction to the burgesses. In one class of burghs, indeed, erected upon the demesne lands of the crown, the king himself was necessarily the only superior. Such was the case, for example, with the charter of erection of Ayr, where the king had built a castle for protection against troublesome neighbours, and

where he made grants of property and privileges to the burgesses, extending over a wide district, to be held only of the crown. But that of Ayr is, I think, the only one of William's charters which bears to be a charter of actual erection. His other charters are all to burghs already existing, and tracing their existence and privileges to a period long before feudalism—a time when the soil was either all folc-land, or just beginning to be boc-land and Crown property. It was only a somewhat later class which really owed their existence to some ancient Royal foundation, they also having no dependence on a subject. In that respect they resemble the early charters of privileges of English burghs, and differ altogether from those of the continent.

In another respect the early Scotch burgh charters stand in a peculiar position. William granted to the burgesses of Inverkeithing the exclusive right to levy toll and custom, and all rights pertaining to a burgh, from the water of Leven to the water of Devon —a wide district of country.* He granted to Perth the exclusive privilege of some trades and manufactures over the whole county of Perth; and in like manner, the burgh of Inverness and the burgh of Aberdeen had grants of similar privileges and monopoly extending over their several counties; and Edinburgh had a grant of jurisdiction and privilege extending from Edgebucklin Brae to the Water of Almond. It might well be that grants encroaching so largely

* The territory over which the monopoly of Inverkeithing extended, included the burghs of Kinross, Burntisland, Kinghorn, Kirkcaldy, Dysart,—some of them, certainly, of considerable antiquity. The privileges of Rutherglen comprehended the city of Glasgow, which we know to have been founded and privileged as a bishop's burgh, at least as early as the reign of William the Lion.—(*Chartulary of Glasgow.*

upon the freedom of the subject, should bring the burghs into frequent collision with their neighbours of the country, but I do not find any instance in which the parties who challenged or opposed such sweeping grants, raised a doubt or objection as to the tenure of the burgh within its own burghal limits.

The normal style of the oldest extant charters,—those of William the Lion,—granted or confirmed to the burgesses the burgh itself and often some territory adjacent, in respect of which the burgesses were bound to pay a rent. This payment of cess, which was considered the *reddendo* to the superior, and, therefore, when paid into exchequer, as marking peculiarly a royal burgh, was the occasion of some confusion afterwards. The bishops' burghs, enjoying almost the same commercial privileges as the royal burghs, rose by trade to wealth, and were not excluded from contributing to the public burden (paying cess) and sending representatives to Parliament, their constitution remaining unchanged.

In the more ancient Royal Charters, there was generally added a privilege to the burgesses, extending over all Scotland, of exemption from 'toll,' that is, from a duty on the transfer of commodities, and from customs or duties on sales and purchases. If such grants of exemption were effectual through all parts of Scotland in the 12th century, it seems to bespeak a more settled government, and more vigorous power in the Crown, than is generally supposed.

The monopoly and exclusive privilege of trade and manufacture granted to the burgh itself, were more easily enforced. I need not say that such monopolies were then, and for long after, the only conditions of protected trade.

The union of burgesses for protection and self-defence, very naturally gave rise to disputes with neighbouring lords, and in some, but rare instances, the lords were so powerful or so artful as to establish a permanent influence within the burgh, but only by sufferance or by violence. I know of no instance where a chartered burgh formally surrendered its independence.

The common interests gave rise to unions of several burghs into a sort of Parliament. Of this nature was the 'Hanse' of the northern burghs to which David I. had granted his protection,* confirmed by King William; and a yet more memorable combination in the south, consisting originally of the four burghs of Berwick, Roxburgh, Edinburgh and Stirling, but filling up the number of four by adopting other burghs when Berwick or one of the border burghs fell into English hands. These were the Four Burghs from whose deliberations emanated the code of laws that still bears their name. Such was the origin of these laws, which in due time received the sanction of the King's Court or Parliament, but which, even independent of that sanction, were received as authoritative by all the burghs of Scotland. We see here the real origin of our 'Third Estate,' which had this defined organisation and authority, and constituted that remarkable Parliament of the

* King William confirmed to the burgh of Aberdeen, and to all his burgesses of Moray, and to all his burgesses be-north the Munth, their free Hanse (*liberum ansum suum*), to be held when they choose and where they choose, as freely and honourably as they held it in the time of his grandsire King David. That combination must have included the king's burghs of Aberdeen, Kintore, Banff, Cullen, Elgin (not yet the bishop's see), Forres, Nairn, and Inverness,—probably none of the towns beyond the Moray Firth, which were hardly yet brought under allegiance to the king of Scots.

*curia quatuor burgorum** centuries before the burghs as one of the Three Estates sat and voted in the national Parliament.

Such of the ancient burgh charters as are extant, prescribe no constitution of government or magistrature. The grant of the burgh, its property, and privileges, is to "the burgesses" who knew the custom, and might also have recourse to the ancient written law for their guidance in managing their own affairs and choosing their own officers.

To be a burgess may have required other qualifications, but assuredly one required was the possession of a 'toft' or rood of land within burgh. For that property the burgess in early times paid rent to the crown officer separately. The officer—the bailie (*ballivus regis*)—who had the collection of the king's rents and administered the royal jurisdiction, must have been at first ap-

* Of the proceedings of the Court of the Four Burghs, before the estate of Burghs was admitted to Parliament, but few instances remain on record. One occurrence illustrating its nature may be mentioned. In a Parliament held at Newcastle by Edward I. in 1292, in a private suit, depending on the law and customs of Scotch burghs, it was determined that the four burghs should be consulted,—*Ideo consulendum est cum quatuor burgis contra proximum parliamentum hic, et tunc ad judicium.* And this having been done, judgment on the Appeal was given accordingly,—*Quia compertum est per recordum et veredictum quatuor burgorum quod lex et consuetudo talis est, &c.*—(Rot. Parl. I., p. 107.) But their judicial duties seem to have been chiefly confined to the trial of Appeals from the judgments of the Great Chamberlain, as is indicated by an order made in a Parliament of David II. (1368), in consequence of the detention of the towns of Berwick and Roxburgh by the English,—"which are two of the four burghs that ought by old use to make the Court of the Chamberlain once a-year, upon any judgments taken to appeal in any of his eyres,"—*Quae sunt et esse debent duo de quatuor burgis qui habent ex antiquo curiam facere Camerarii, semel in anno apud Haddingtoun, super judiciis si quae forent, coram ipso in itineribus suis ubicunque contradicta.*

pointed by the crown; but that early practice had disappeared before the end of the 12th century, when we find precise rules for electing the bailies with the body of the councillors,—the bailie making oath of fealty to the Sovereign *and* to the good town.*

In two centuries more the troublesome and fluctuating collection of separate burgess rents fell into disuse, and an arrangement gradually took place, which was completed, when in the reign of Robert Bruce, the burghs were encouraged to take charters of feu-ferme of the Crown, giving their bailies a right to levy all Crown rents, mails and duties and issues of courts within their respective burghs, in consideration of a single fixed *reddendo* payable into exchequer.†

It was in the same reign, and perhaps part of the same transaction, that the burghs—now feudal vassals of the crown—took their place in the national Parliament with the other great feudatories. In the memorable Parliament of Robert, held at Cambuskenneth on the 15th day of July 1326, the lay estates of the kingdom, specially named as the earls, barons, burgesses, and free tenants of the realm, granted to the king the tenth penny of all rents, according to the Old Extent of King Alexander III., to meet the expenses of his glorious war, and in place of certain old and odious exactions, which the great monarch freely abandoned.

* *Leg. Burg. c.* 70. *Statuta Gilde c.* 37, 38.—The earliest record of a Burgh election now extant, that of Aberdeen for the year 1398 (3d October), bears that the Alderman and Bailies were elected "with the consent and assent of the whole community of the burgh."

† The earliest feu charter to a Burgh now extant is that of Robert Bruce to Edinburgh, A.D. 1329. Dundee has one, thirty years later.

While the enlightened sovereigns of all feudal countries saw the policy of throwing their protection round free burghs, the leading churchmen, the most cultivated class of society, full of the new intelligence of the age of progress, and exempt from the exclusive prejudice of a feudal nobility, went along with that movement which was to raise a Third Estate based on industry.

We have seen Bishop Robert of St. Andrews seeking the support and help of King David I. to found a trading burgh beside his cathedral, on that inhospitable coast where even the mouth of the little Eden offered shelter and a port not to be despised. About the same time the Bishop of David's newly restored Church of Glasgow founded a Bishop's burgh there, which, after long struggles against the combination of the Clyde burghs, and against the nearer tyranny of the Royal Burgh of Rutherglen, after suffering indignities from its Bishops and from the Lennoxes who succeded them, was destined, when thoroughly emancipated, to emerge as the greatest commercial city of the west.

Of the same kind was the origin of the town and city of Brechin and its privileges of trade, which it long maintained against the Royal Burgh of Montrose. Such was the Bishop's see of Dunkeld, sanctified by the relics of Columba; and Dunblane, the see of the Bishops of Strathearn, which early absorbed the Royal Burgh of Auchterarder. Such Bishops' cities, in later times, were scarcely distinguishable from royal burghs, as to privileges of trade, as to bearing public burdens, even as to representation in Parliament, when Parliament was opened to the Third Estate by Bruce. The difference was felt and heavily resented in the inferiority of the tenure of property, when the

Bishop was superior instead of the King, and yet more in the interference of the Episcopal overlord in the choice of burgh magistrates.

It can hardly be doubted that other towns, growing up round great religious houses, were dependent on them originally, and were not till a much later period free burghs. Such I take Jedburgh, Kelso, Dunfermline, to have been. Not so Arbroath, probably, whose situation led to its settlement as a port and burgh, long before the foundation of its abbey by King William the Lion. Such certainly was that burgh which David I. permitted his Canons of Holyrood to build between his Royal Burgh of Edinburgh and their abbey, which derived its name of Canongate from its founders, but was unable to maintain its independence against its powerful neighbour.*

I have alluded to some of the causes which determined the position of our Scotch burghs. The royal demesne and castle

* The history of the Canongait is curious; and the words of the king's charter have given rise to the most wonderful blunders of antiquaries. David, in his great charter to his dear Canons of Holyrood, gave them the right to settle a burgh of their own between his burgh of Edinburgh and their abbey, using the appropriate term for such a foundation,—*herbergare quoddam burgum, i.e.* to establish a burgh between Edinburgh and Holyrood. The old canons knew the old word well enough, and, acting upon it, proceeded to build and settle their burgh of regality,—named after its lords, *vicus canonicorum*,—in the vernacular, the *Canongait*. It was not till some centuries later that the historians of our Capital—ignorant of middle-age Latin—no great scholars, indeed, in any learning—told how the charter of David bestowed on the Canons a burgh called *Herbergary*, which, they averred, was the original name of the Canongait! I am not sure but there are antiquaries still extant, who, reckless of Ducange, still speak of *Herbergary* as the old name of the Canongait.

formed the nucleus of some, as of Ayr, our own Edinburgh, Stirling, old Roxburgh, Forfar, and, I suppose, Lanark. The cathedral or the great abbey attracted others, as St. Andrews, Glasgow, Brechin, Kelso, Jedburgh, Dunkeld, Dunblane, Paisley. Some have an evident fitness as barriers against the wild mountaineer, as Perth and Inverness ; unless we are to allow something for the singular beauty of their situation.* But more of our most ancient burghs owe their origin to the mouth of a river, indenting our rugged coast, and tempting some adventurous natives, or some sea-rovers from Flanders, to seek shelter there for their cobles and busses, to carry on their fishing, and to establish their infant trade, and even some rude manufacture. Such lovers of the sea and its freedom required little more. They had the shelter of the cove and the *bar* against storms ; a sufficient stream to drive their corn mill and their waulk mill for their simple weaving. They had in the constitution of their race the power of uniting and submitting to authority, and a coherence and vitality quite sufficient to meet any common emergency. Such towns were, I suppose, as old as any thing like society among us, and probably long before any of the ascertained events of our history. When later, some enlightened sovereign like David I., led these burghers forward, protecting their industry by his laws and a charter ; and further by the material defence of a little castle built at the head of the town, where a few of the king's

* Perth was one of the few walled towns of Scotland. King William made a compact with Inverness, that he would make a ditch around the burgh, and the burgesses bound themselves to make and uphold a good palisade above the ditch surrounding their town.

'milites,' or a body of the townsmen under the king's bailie,* arming suddenly, could shew face against any roving galley of 'heathen Danes,' or equally lawless rovers of our own hills, seeking to reap where they had not sowed, — the aboriginal village, proud of its new charter, passes for the creation of a sovereign who only gave legal form and sanction to its old customs.

It is worthy of observation, indeed, that the most important burghs and towns in old Scotland, after Berwick, owed their importance to other causes than trade. The frequent resort of royalty and all the Courts, gave an early predominance to places like Edinburgh, Stirling, and Perth. Towns like Elgin, where Bishops had early fixed their see, had not merely the respectable position which the society of the Close gives to a cathedral city in England. They were the centres of learning, religion and civilisation, over a wide and often a barbarous district. Elgin—I speak of it because I know it best—had a Cathedral *staff* of more than a hundred educated churchmen, not secluded monks, but men mixing in the world, and influencing it. The Canons, too, giving 'residence' but half the year, spent the rest of their time on their rural prebends, and the dignified churchman who had lived with his Bishop and fellow Canons during winter, brought down with the spring to his country neighbours and parishioners in the wilds of Badenoch and Lochaber, some of the intelligence of the outer world that

* The Castle was always the king's stronghold—not the Burgh's. Its keeper was sometimes called Constable, sometimes Castellanus. We had nothing like the clashing of jurisdictions between the Chatellain, the Count, the Bishop, and the King, at Amiens (see p. xxxii.).

circulated among Churchmen more than other classes. The Cathedral did its duty, then, in a way not perhaps thought of by its founders.

Then came the other step. When the long wars with England had quite shut out young Scotsmen from completing their education at Oxford and Cambridge,* our countrymen, and especially the clergy, bethought them of founding Universities of their own. One century (the 15th) gave rise to famous schools of theology, literature and science in St. Andrews, Glasgow and Aberdeen, all founded and endowed by bishops. The University City served the cause of spreading cultivation yet more than the Bishop's see had done, and, as has happened in similar cases, furnished the arms that were in good time to be used against the perversions of the Church that had founded them. The Printing press followed the institution of the University; and thus, with even the limited trade of our Scotch Burghs, we see the elements of civilisation that gave them their position in Scotch society.

However much there might be of the elements of freedom in the early burghs, theirs was not a very democratic society. While their freedom of trade meant a real monopoly of trade and manufacture as against the outer world, among the burgesses themselves there was no equality. When we look to burghs as the antagonists of a feudal aristocracy, we are struck with the aristocratic tendencies of the burgesses themselves. The merchants or commercial traders were the first in importance and power. Their

* Archdeacon Barbour, in the middle of the 14th century, was educated at Oxford, but, after his time, none of our scholars were brought up at the English Universities.

guild was by far the highest of the public bodies or confederations, and sometimes almost swallowed up the power and management, and even the funds and property, of the burgh. Its members stood aloof from the crafts, and shrunk from mixing with men who worked with their own hands, as jealously as the noble of a later age from the *roturier.**

This assumption of superiority by the merchants, with some of the insolence of office, produced its natural results. The artizans, growing in numbers and wealth, did not willingly submit to their virtual exclusion from any voice in the councils of their burghs. Even before the end of the 13th century, tradesmen—handy-craftsmen—had begun to form themselves into associations, and during the 14th and 15th centuries, these combinations took the shape of an organised opposition to their ancient rulers. By the ancient Burgh Laws, the aldermen and bailies were to be elected for the government of the town's affairs "by certain good men of the best and most discreet and trustworthy,"—terms which did not seem to exclude any rank of the burgesses; and the elections were frequently attended with much popular excitement. It was to remedy this that the famous Act of Parliament was passed, which A.D. 1469.

* Alexander II. granted a charter to Aberdeen, confirming more ancient privileges. One of these has been the subject of much doubt and controversy. The king grants that the burgesses shall have their merchant guild, fullers and weavers excepted,—*ut habeant gildam suam mercatricem—exceptis fullonibus et telariis.* Here, as in other instances we derive light from the Burghal customs of England. So late as the reign of Edward I., the burghs of Winchester, Marlborough, Oxford, Beverley, and London, set obstacles in the way of ambitious weavers and fullers, who, getting rich, sought admission into the merchant guild. See Mr Riley's *Guildhall Liber Custumarum*, a very valuable addition to our knowledge of English Burgh life.

declared that "the chesing of the new officiaris be in this wise; that is to say, that the aulde consail of the Toune sall cheise the new consail in sic nowmyr as accordis to the toune, as Alderman, Bailyis, Dene of Gild, and utheris officiaris, and that ilka Craft sall cheise a person of the samyn craft, that sall have voce in the said electioune of the officiaris."

Such a law, subverting the first principle of popular elections, was little calculated to remedy the evils it was intended to meet, still less to enable the burghs of Scotland to develop their elements of prosperity. It was in part owing to it that our Burghs and their representatives in Parliament never took their due place as representing the Third Estate in the Scotch national councils, or in the society of the country.

But no defect of political constitution can account for the low place taken by the Burghs of Scotland, before the Union, as compared with that of the towns of neighbouring countries. The circumstances of the country were the real cause. Perhaps no other nation in Europe was so unhappily situated as Scotland, from the conclusion of the bright period that ended with the last Alexander till the Union.

The two distinct races, Celtic and Teutonic, rather crushed together than amalgamated, made the Highlands and Islands and adjacent districts a constant field of violence and rapine, destroying the sources and very materials of trade, the natural products of the country. The southern borders, still more fitted for producing the staple commodities of live stock and wool, were kept in a chronic state of faction and systematic plunder, while England was ever, with a short-sighted policy, grasping at the

subjection, and neglecting the friendship of her poorer neighbour.

In a country so distant, so naturally poor, more impoverished by misgovernment and internal discord, and the meddling of a powerful and grasping neighbour, we must not look for the extended dealings that dignify trade, nor for the refinement, luxury, Art, which adorned the free cities of the continent. Instead of these, we may find something even more valuable, if we are able to trace to our ancient free institutions, and to the burgh life that flowed from them, a sturdy independence and self-reliance, honest frugality, a respect for law and order, and an intelligent love of education, somewhat above our neighbours, which I hope still mark our nation.

In the early literature of Scotland, we have a worthy reflection of her history. Her first poet sung the achievements of Bruce. Her greatest satirist aimed his shafts at the corruptions of Rome. In the homely burghs of Scotland, we may find the first spring of that public spirit, the voice of the people, which in the worst of times, when the crown and the law were powerless, and the feudal aristocracy altogether selfish in its views, supported the patriot leaders Wallace and Bruce in their desperate struggle, and sent down that tide of native feeling which animated Burns and Scott, and which is not yet dead, however much it may be endangered by the childish follies of its Quixotic champions.

Whatever of thought, of enterprise, of public feeling, appears in our poor history, took rise in our Burghs, and among the burgess class. If this collection helps to make that class, its

manner of life and thinking, more known, it will be of some service to Scotch history.

This first volume is intended to shew the origin of our Burghs and of the Burghal spirit. The effect of these institutions on the morals and character, the taste, feeling, and mode of life of their people, will be faithfully depicted in subsequent volumes, so far as materials exist for such illustration.

I have to acknowledge the untiring assistance rendered me by Mr. Marwick in editing this volume. The Glossary and Index are entirely his work. Mr. Marwick, who has already proved his interest in Burghal history by a very valuable collection upon the Convention of Burghs, was, I believe, the first to project this series of Burghal antiquities; and his zeal, industry and ability bid fair to accomplish the great undertaking. To a younger student of legal history, I am also much indebted. Mr. James Grant, M.A., who is destined to be better known, has assisted me not only in correcting the sheets at press, but in adjusting translations and the whole text of the volume.

C. INNES.

LEGES BURGORUM SCOCIE.

ISTE SUNT

LEGES ET CONSUETUDINES QUATUOR BURGORUM

EDINBURG ROKISBURG BEREWIC ET STRIVELIN
CONSTITUTE EDITE AC CONFIRMATE
PER REGEM DAVID.

THIR AR THE LAWYS OF THE BURGHIS OF SCOTLAND
MAYD AND ORDANYT BE THE KYNG DAVID.

LEGES BURGORUM.

I.

De redditibus domini regis in burgagiis

In primis videndum est quid sit redditus domini regis in burgagiis Quilibet dabit domino regi pro burgagio suo quod defendit pro perticata terre v. d. annuatim

Of the kyngis rent in borowagis

In the fyrst what is the rent of oure lorde the kyng in borowagis That is to say that ilke burges sall geyff to the kyng for his borowage at he deffendis, for ilke rud of land v d. be yhere.

II.

De burgense noviter facto

Quicunque factus fuerit novus burgensis domini regis in primis iurabit fidelitatem domino regi et ballivis suis et communitati illius burgi in quo burgensis factus est

Of new burges made in burgh

Wha ever he be is made new burges of our lorde the kyng fyrst he sall swor fewte to our lorde the kyng and to the bailyeis and to the communyte of that burgh in the whilk he is made new burges.

III.

De namis capiendis a forinsecis in burgo

Quilibet burgensis potest namare foris habitantes infra forum suum et extra infra domum suam et extra sine licencia prepositi sui nisi commercia vel nundine teneantur in burgo et nisi fuerit in exercitu regis vel in custodia castelli

Of punding of uplandis men in burgh

Ilke burges may punde ane uplandis man wythin the merket and utouth wythin his hous and utouth his hous, bot gif the fayre be haldyn in the burgh or that he war in the kyngis oste or in yhemsale of the kyngis castell, and this he may do but leyff of the burow greyff.

IV.

De burgense per burgensem non namando

Super burgensem burgensis non potest capere namum sine licencia prepositi

Of punding of a burges thruch ane othir

A burges may nocht punde ane othir but leyff of the burrow greyff in nakyn maner.

V.

De rebus accommodatis per burgensem extraneo

Si burgensis foris habitantibus de suo accommodaverit in burgo si ipse debitor concedat reddat ei debitum si negaverit in burgo faciat rectum

Of thyngis lente be a burges tyl ane uplandis man

Gif a burgess hafe lent of his catallis tyll hym that wonnys out of the burgh, gif the dettur grauntis the dett he sall yelde it, and gif he nytis it he sall tharof do rycht befor the lawhaldaris of that ilk burgh.

VI.

De placitis motis in burgo

Placita que in burgo surgunt ibidem teneantur et determinentur preter ea que sunt corone domini regis Et omnes querele que fuerint exorte

infra burgum debent terminari infra burgum preter illas que pertinent ad coronam domini regis Ille vero que pertinent ad coronam domini regis debent inbreviari et custodiri usque adventum Justicarii et tunc implacitari et terminari in curia burgi coram Justiciario

Of mutis and playntis that rysis in burgh

Mutis that rysis in burgh thar thai sall be haldyne and determit, outakyn tha that fallis to the kyngis croune, And it is to wyt that all playntis the whilkis are in burgh sall be endyt wythin burgh, outakyn tha at fallis to the kyngis croune. And tha that fallis to the kyngis croune sall be enrollyt and yhemyt to the cummyng of the iustyce And than thai sall be mote and endyt in the court of the burgh before the iustyce.

VII.

De querelis extra burgum

Si burgensis appelletur de aliqua querela non placitabit extra burgum nisi ex defectu curie nec debet respondere sine die et termino nisi prius inciderit in stultam responsionem exceptis illis que ad coronam domini regis pertinent Et tam de illis que ad coronam regis pertinent quam de aliis iudicari debet per suos pares et hoc secundum leges et assisas burgorum

Of ony playntis movyt ututh the burgh

Gif ony burges be challangyt of ony playnt he sall nocht mote ututh the burgh bot gif it be in defalt of court, na he sall nocht ansuere withoutyn day and terme lachfull bot gif he fyrst sall in foly ansuere, outtane tha at fallis to the croune. And alsua of this alswele as of othir he aw and sall be demyt be his peris in burgh be law of burgh.

VIII.

De placito inter burgensem et mercatorem

Si placitum oriatur inter burgensem et mercatorem terminari debet infra tertiam refluxionem maris

Of mutis betuix a burges and a marchand

Gif a mute be raisyt betuene a burges and a marchand it sall be endyt wythin the thrid flud of the see.

IX.

De mercaturis per naves adductis

Quecunque navis mercaturas per mare adduxerit ad terram debent ferri preter sal et alleces que possunt vendi in navi

Of marchandyse that cummys in schyppis.

All marchandyse that cummys in schyp be see it sall be brocht to land, outtane salt and herying at sal be salde in the schyp.

X.

De terra possessa per unum annum et unum diem

Quicunque tenuerit terram suam per unum annum et unum diem quam fideliter emerit per testimonium vicinorum suorum xii in pace et sine calumpnia qui eam calumpniaverit post unum annum et diem et si fuerit in eadem regione et de etate et ipse infra dictum terminum clamium non moverit super hoc nunquam audietur Sed si fuerit infra etatem vel extra regnum non debet amittere suum ius cum venerit ad etatem vel repatriaverit

Of landis haldyn a twelf moneth and a day

Wha evir he be that has haldyn his lande a twelfmoneth and a day the whilk he has boucht leley thruch wytnes of tuelf men of his nychtburis in pes and wythoutyn chalangyng, whasa it chalangys eftir the xii moneth and a day, and he in the kynryk and of full elde and he na sterys na motis in the forsaide tyme he sall nevir mare be herde. Bot gif he be wythin elde or ututh the kynryk he sall nocht tyne his rycht when he is cummyn to full elde or in the kynryk.

XI.

De rustico qui manet extra burgum

Si rusticus extra burgum manens in burgo burgagium habeat non teneatur in aliquo loco pro burgense nisi in eodem burgo in quo burgagium habet Si vero rusticus ille burgensis calumpniaverit burgensem in burgo manentem burgensis contra rusticum se lege defendet Si autem bur-

gensis in burgo manens die ac nocte rusticum predictum de aliqua re unde bellum oriatur appellat rusticus contra burgensem bello se defendet

Of a churl that wonnys ututh the burgh

Gif a churl ututh burgh wonnande hafe ony borowagis in burgh he sall be haldyn for burges in nakyn sted bot in that ilk burgh whar his borowage is. Bot gif forsuth that churl burges challangis a burges wonnande wythin burgh that burges sall were him with law agaynis the churl. Alsua gif a burges at wonnys in the burgh day and nycht challangis that forsaide churl of ony thyng wharof batayle may ryse the churl agaynis the burges may were hym with batayle.

XII.

De appellatione burgensis per forinsecum

Si quis forinsecus burgensem de aliqua re appellaverit non potest super burgensem pugnare sed per legem burgi se defendet nisi sit de proditione vel de them unde se debet defendere bello Nec burgensis contra forinsecum poterit pugnare nisi prius exierit de burgo

Of the challange of a burges be ane uplandis man

Gif ony uplandis man challangis a burges of ony thyng he may nocht fecht upon the burges, bot thruch lauch of burgh he sall were him, bot gif it be of tresoun or of theme whar of he sall were him with batayle. Na the burges may nocht fecht apon na man that wonnys on the lande bot he ga fyrst ututh the burgh.

XIII.

De duello burgensis

Burgensis domini regis potest habere duellum de burgense abbatis prioris comitis vel baronis sed non e converso

Of the batayle of the burges

The kyngis borowman may hafe batayle of abbotis borowmen and of pryouris and of erlys borowmen and barounis, bot nocht agayne warde.

XIV.

De libertate filii burgensis

Filius burgensis quam diu fuerit ad mensam patris sui habebit eandem libertatem ad vendendum et emendum quam et pater suus habet Sed cum ab eo discesserit illa libertate non gaudebit nisi burgensis fuerit

Of the fredome of the burges sone.

The sone of a burges als lang as he is at his fadre burde he sall hafe that ilke fredome to by and sell at his fadre has Bot what tyme he be passit fra his fadre burde till his awne fyndyn he shall nocht ioyse the fredome of the burgh bot gif he by it and be maid fre man.

XV.

De servo alicuius veniente in burgo

Si homo alicuius baronis vel militis vel cuiuscunque servus venerit in burgo et emerit ibi burgagium et manserit in burgagio suo per unum annum et diem unum sine calumpnia domini sui vel eius ballivi semper erit liber sicut burgensis et libertate burgi gaudebit

Of a thryll at cummys to burgh

Gif ony mannis thryll barounis or knychtis cummys to burgh and byis a borowage and duellis in his borowage a tuelfmoneth and a day foroutyn challange of his lorde or of his bailye he sall be evir mare fre as a burges wythin that kyngis burgh and ioyse the fredome of that burgh.

XVI.

De mercatore alieno

Nullus mercator alienus potest extra burgum emere lanam aut coria aut alia mercatoria nec infra burgum nisi de burgensibus

Of uncouth marchandis

Na marchande uncouth may by ututh burgh woll na hydis or ony othir marchandyse, na yit wythin burgh bot gif it be fra burges.

XVII.

De blodewit et consimilibus

Et sciendum est quod infra burgum non debet exaudiri blodewit nec styngisdynt nec merchet nec herieth nec aliquid de consimilibus

Of bludewyt and siklyk thyngis

And it is to wyt at in burgh sall nocht be herde bludewyt na yit stokisdynt na merchet na hereyelde na nane suilk maner of thyng.

XVIII.

De furnis licite habendis

Quilibet burgensis domini regis potest habere furnum super terram suam sed nullus alius preterquam burgensis domini regis

Of ane ovyn in burgh

Ilke burges of the kyng may have ane ovyn apon his awne land. bot nane other bot the kyngis burges.

XIX.

De forisfacto panis et cervisie

Si aliquis vel aliqua sit in forisfacto de pane vel cervisia nullus debet intromittere se nisi prepositus Si bis forisfecerit bis castigetur per forisfactum suum Si tercio forisfecerit iusticia de eo vel de ea fiat Si prepositus iusticiam de eo vel de ea facere neglexerit corpus et catalla ipsius prepositi in voluntate domini regis remaneant

Of the forfaute of brede and ale

Gif ony man or ony woman in the burgh be in forfaute of brede or ale nane sall hafe tharof a do bot the borow greffis. And gif he faltis twyis he sall be chastyte twyis for his forfaute. Gif he faltis thryse justice sall be done apone hym or on hyr. And gif the borow greff will nocht do iustice on hym or on hyr the body and catall of the borow greff sall be in the kyngis will.

XX.

De lana emenda et tingenda

Nullus nisi burgensis potest emere lanam ad tingendum nec pannum facere nec secare

Of makyn of clath and littyn of woll.

Na man bot a burges sall by woll to lytt na clathe mak na schere.

XXI.

De alienacione terre de conquestu

Quilibet burgensis potest terram suam de conquestu dare aut vendere et ire quocunque voluerit libere et quiete nisi sit in calumpnia

Of lande of conquest to put away

It is lachfull and lefull till ilke burges to geyff or sell his lande the whilk he has gottyn of purchas or of conquest in the kyngis burgh to wham sa evyr hym lykis, and may frelie pas and gang whar he wyl bot gif the lande be in challange.

XXII.

De burgense qui preterierit etatem pugnandi

Si burgensis calumpniatus preterierit etatem pugnandi et hoc essoniaverit in sua responsione non pugnabit sed iuramento xii talium qualis ipse fuerit se purgabit

Of burges that is passit elde to fecht

Gif ony burges be chalangyt of bataile and he be passit elde to fecht and he essonyeis hym tharwyth in his answere, he sall nocht fecht bot thruch the athis of xii men suilk as hym selff is he sall aquyte hym.

XXIII.

De succesione heredis burgensis mortui

Si burgensis terram vel terras adquisierit in burgo et puerum heredem habuerit et eas non assignaverit alicui ante mortem suam filius eius vel filia eius heres cedat in hereditatem tocius terre sue quam pater suus

habuit die quo fuit vivus et mortuus Salvo hoc quod uxor eius desponsata in tota vita sua quamdiu erit vidua interiorem partem domus que dicitur le flet tenebit Heres autem eius habebit ulteriorem partem domus capitalis si in ea habitare voluerit Et hoc dico si uxor sua aliam dotem non habuerit Si autem aliam dotem habuerit ipsa sua dote et heres capitali domo gaudebit

Of burges ayre in lande til na man assignyt

Gif ony burges has gottyn lande or landis of conquest within the kyngis burgh, and he hafe ony chyld till his ayre and hafe nocht assignyt his landis til ony man before his dede, his sone or his dochter that is ayre sall cum in the herytage of the landis the whilk the fadre had the day he was quyk and dede. Bot this sall be sauff that his spousyt wyffe sall hafe in all her lyfe als lang as scho is wedow the inner halfe of the hous that is callyt the flett. And the ayre sall hafe the tothir halfe of the hevyd hous gif hym lykis to wyn thar in. And this I say giff the wyffe hafe nane othir morwyngyft And gif scho hafe othir morwyngyft scho sall ioys it and the ayre the hevyd hous of law and resoune.

XXIV.

De eo qui habuerit plures uxores

Si burgensis aliquis duas uxores habuerit et plures terras acquisierit et pueros de utraque uxore genuerit omnes terre quas habuit die quo fuit vivus et mortuus tam de hereditate quam de adquisicione quas terras adquisitas non assignaverit alicui que adquisite fuerint tempore prime uxoris revertentur ad puerum heredem prime uxoris Et ita de terris adquisitis tempore secunde uxoris que vertentur ad puerum heredem secunde uxoris si tamen alicubi prius ante mortem suam non fuerint assignate Et mulier secunda non erit in domo primi heredis mortuo marito suo nisi per quadraginta dies

Of burges at has had syndry wyffis

Gif ony burges has hade twa wyffis or ma and has mony landis, and with ilkane of his wyffis has gottyn syndry sonnys and dochtyrs, all the landis the whilk he hade that day at he was quyk and dede, alswele of herytage as of conquest at he hade nocht assignyt till na man, tha landis at war gottyn in the tyme of the fyrst wyffe sall turn agayne to the childer ayris of the fyrst wyffe. And on that ilke

maner the landis that war gottyn in the tyme of the tothir wyffe sall turn till hyr chylder ayris, gif thai be nocht giffyn befor na assignyt till ony man lachfully. And the secund woman sall nocht be in the hous of the fyrst ayre eftir the dede of hir husband bot xl days.

xxv.

De contencione orta inter nautas extraneos

Si naves applicuerint in terram domini regis Scocie de diversis regionibus et contencio oriatur inter tales homines infra portum domini regis ballivi domini regis tenebunt rectum inter eos de quacunque querela alter eorum conqueri voluerit de altero que mota est in terra regis Scocie Et si contigerit quod calumpniator vel calumpniatus talis dederit tholoneum suum et fecerit terre domini regis quod facere debuerit et navis eius fuerit in la rade bene et in pace recedat et alter de altero ius suum querat ubi querere poterit

Of stryff muffyt betuix schipmen in burgh

Gif schippis of othir strange kynrykis arryfis in the kyngis lande of Scotlande and contak ryse betuix the partyis of suilk meynye within the havyn of the kyng, the kyngis bailyeis sall halde rycht betuen thaim of alkyn manere of querelle ony of thaim will pleynye of othir, the whilk wrang was amuffyt betuen thaim in the lande of the kyng of Scotlande. And gif it sua fall at the challangeoure or the defendoure hafe giffyn his toll and done to the kyngis lande that at he aw to do and the schyp be in the rade, wele and in pes he sall pas and the tane of the tothir sall get his rycht whar he best may.

xxvi.

De calumpnia de furto per opelandensem

Si burgensis calumpnietur de opelandense de furto invento in domo sua propria et in eius seysina et negaverit furtum sicut liber burgensis contra opelandensem et dixerit se inde plegios non habere sed rem illam calumpniatam legaliter emisse in foro burgi burgensis purgabit se iuramento xii

vicinorum suorum et amittet tantummodo rem calumpniatam Et iurabit se nescire ubi ostium domus clauditur aut aperitur a quo rem dictam emit

Of challange of thyft be ane uplandis man

Gif a burges be chalangyt be ane uplandis man of ony thyft fundyn with hym in his hous or in his sesyn and he nyte the thyft as a fre burges aganys the uplandis man and says at he has na borch of it bot at he it lachfully bocht in the kyngis marcate of the burgho, he sall clenge hym with the athe of xii men of his nychtburis and sall tyne the thyng that he is challangyt of. And he sall suere at he wate never whare the dure opynnis na stekis of hym fra wham he bocht that ilke forsayde thyng what sum ever it be.

XXVII.

De novo burgense kirseth habente

Quicunque fuerit novus burgensis factus de terra vasta et nullam terram habuerit hospitatam in primo anno potest habere kirseth et post unum annum hospitabit terram suam Si postea fuerit vastata per ignem vel per guerram et aliam terram habuerit hospitatam potest illam dimittere inhospitatam donec fuerit aysiatus reedificare eam salva tamen firma per omnia

Of a burges hafand kyrset

Wha sum evir be made new burges of a waste lande and he hafe na lande wythin the burgh herberyt, in the fyrst yere he sall haf kyrset. And efter the fyrst yere he sall haf herberyt lande and byggyd. And gif it be made syne waste thruch fyre or thruch were and he haf othir lande byggyd, he may leve that lande unbyggit whil the tym he be of eys to byg it agayn, sauffande oure all whare the kyngis ferme.

XXVIII.

De iuramento facto propter debitum

Burgensis potest per solam vocem suam eum ad iuramentum ponere qui negaverit illi debitum suum quicunque ille fuerit Sed si miles fuerit et denegaverit ipse pro eo potest senescallum suum vel prepositum suum

cum ceteris hominibus ad faciendum iuramentum ponere si burgensis non habuerit testes super eum

Of nyting of det aucht to burges

A burges may thruch his anerys voyce put hym till athe at nytis hym his dett, what man sum evir he be. Bot gif it be a knycht at nytis hym the dett the knycht may put for hym his stewart or his greff with othir fre men for to make the athe gif the burges has na wytnes be the whilk he may pruff his dett be the comone law.

XXIX.

De iuramento inter burgensem et rure manentem

Si aliqua querela exorta fuerit inter burgensem et rure manentem unde iuramentum fieri debeat burgensis purgabit se sexta manu de burgensibus contra eum et contra ipse contra burgensem cum totidem talibus qualis ipse fuerit Et si per testes probare debuerit unus contra alium oportet quod habeat partem de burgensibus et partem de rure manentibus in testimonium

Of athe betuix a burges and uplandis man

Gif ony playnt be rysyn betuix a burges and ane uplandis man wharof athe sall be mayd, the burges sal clenge hym with sex handis of burges agaynis hym at has ado with hym, and he agaynis the burges sal clenge hym wyth als mony feris til hym. And gif the tane suld pruff agayne the tothir wyth wytnes, hym behofis to haf a party of burges and a party of thaim at duellis upolande to wytnes.

XXX.

De testibus iurandis et qualiter iurabunt

Sciendum est quod ille qui ducit testes in aliqua querela ad probandum non tenetur iurare sed testes iurabunt quod verum est hoc quod testificantur et erit in iuramento suo quod hoc non dicunt propter odium unius nec propter amorem alterius sed propter veritatem dicendam Et tunc debet fieri recordum coram testibus de appellacione et responsione ut audiant quid iurare debeant antequam iurent

Of maner to pruff with wytnes

It is for to wyt that whasa furth bryngis pruff or wytnes in ony playnt to pruff ony poynt him selff aw nocht to suere bot his wytnes sall suere at it is suth at

thai say, and it sall be expremyt in thair athe that thai say it nocht for hatrent of the ta part na for luferent of the tothir part bot alanerly for lele suthefastnes to be wytnessyt. And than aw to be made recorde of the chalange and of the ansuere before the wytnes sua at thai here and wyt what thai sall suere before thai suere in the wytnessyng.

XXXI.

Quod vir pro uxore respondere potest.

Quilibet sponsus potest respondere pro uxore sua sponsata et stáre in iudicio et facere pro ea quod ei iudicatum fuerit si calumpniata fuerit de aliquo Et est retinendum quod in placitis burgorum utitur Twertnay in defensionibus defendendo wrang and unlawe

Of a burges til ansuer for his wyff

Ilke spousyt man may ansuer for his spousyt wyff and stande in iugement and do for hir all thyng at the court demys hym, geyff that scho be challangyt of ony thing. And it is to wyt that in borow mutis thar is hantyd and oysyt thuertnay in defendande wrang and unlawe.

XXXII.

De namo capiendo a forinseco

Quilibet burgensis potest namum capere a forinseco infra burgum pro debito suo infra domum et extra domum Et si sederit super equum suum non debet deponere eum de equo suo Et si prius eodem die fuerit namatus vel venerit ad reintrandum namum prius captum non capietur Sed si aliquis alius dixerit se prius cepisse namum eodem die affidet hoc et habeat namum suum quietum Et sciendum est quod non oportet burgensem capere alium plegium pro namo suo quam burgensem nisi sponte voluerit

Of the burges pundyng of thaim at duellis upolande

Ilke burges may tak a punde of a furth duelland man for his dette within house and out of house. Bot gif he syt apon his horse he aw nocht to put hym downe of his horse. And gif he be pundyt that day befor or gif he be passit to borow that ilke pund that is befor takyn, than sall nocht his punde be takyn. And gif ony man sayis at he tuke his punde befor, he sall thare-tyll plycht his trouth and than sall hafe his punde quyte till hym. And it is to wyt that law wyll nocht constreinye na burges to tak ony othir borch for his punde than a burges bot gif he will.

XXXIII.

De impedimento nami

Sunt quatuor impedimenta propter quod namum non debet capi Scilicet si dominus eius fuerit in exercitu domini regis vel fuerit in castello domini regis ad custodiendum castellum pro spatio quadraginta dierum vel si venerit ad comitatum vel si venerit ad burgum pro cibo domini sui emendo

Of the poyntis that lettis punding in burgh.

Thir are the four impedymenttis that lettis pundis takyng in burgh, that is for to wyt, gif his lorde be in the kyngis oste, or in the kyngis castell for to yheme it be the space of xl days, or gif he cumys to the counte, or gif he be passyt to the burgh for bying of the lordis mette wyth wham he duellis.

XXXIV.

De replegiandis namis rure manencium

Sciendum est quod ruremanentes possunt replegiare namos suos per tres vices de septimana in septimanam et postea per tres dies et non amplius Et si ex contrarietate noluerint replegiare namos suos et moriantur nami fame burgensis faciet extrahere equum si fuerit vel aliud animal sed non excoriabit sed retinebit frontem et caudam et postea accipiat alium namum

Of the borowyng of uplande mannis pundis

It is for to wyt that men upolande may borow thair pundis thryis fra wolk to wolk and syne thre dayis and na mare. And gif the uplandis man throuch frawartschyp of hym selff will nocht borow his punde and it dee for hungyr, the burges sall ger draw it furth gif it be horse or othir beste, bot he sall nocht fla it bot hald it and tak of it the hede and the rompil and efterwart he sall take an othir punde.

XXXV.

De hiis quos non licet namare

Nullus debet namare piscatorem qui portat piscem ad vendendum nisi pro pisce aut pro proprio debito piscatoris Similiter nec illos qui ducunt

boscum ad vendendum et turbas nisi pro bosco et turbis aut pro propriis debitis suis

Of the punding of fyscharis in burgh

Na man aw to punde a fyschar that bryngis fysche to sell bot gif it be for fysche or thân for the fyscharis awne dett Na yit thaim at bryngis wodd or petys bot for wodd or petys or for the propyr dettis of hym that it bryngis.

XXXVI.

De annuo redditu brasiatricum

Quicunque brasiaverit per totum annum dabit preposito quatuor denarios Si per dimidium annum dabit duos denarios

Of annuel rent of broustaris

Wha sum evir will breu thrw the twelf moneth aw to geyf the aldirman in the yhere iiij d. And for half a yhere to hym bot ij d.

XXXVII.

De redditu stalangiatorum et mercenariorum

Quilibet stalangiator vel faciat finem secundum quod convenire possit cum preposito vel dabit obolum quolibet die fori Mercenarius qui habuerit botham coopertam in foro die fori dabit obolum propter consuetudinem Ille vero qui non habet coopertam dabit quadrantem

Of stallangearis and mersaris tol

Ilke stallangear sall mak fyne with the borow greffis eftyr as thai may accord or ellis he sall geyf a halpeny ilke marcate day. And the mersar that has his bothe coverit in the marcate on the marcate day sall geyf a halpeny to the borow greff for custum, and he that has nocht his bothe coverit sall pay a ferding.

XXXVIII.

De iuramento pro fractione assise

Prepositus non debet ponere aliquem vel aliquam de iure ad iuramentum pro fractione assise nisi aliquis conqueratur de aliquo Et si denegaverit

et alius non habeat testes tunc purgabit se secundum legem burgi videlicet sexta manu

Of the brekyn of assyse in burgh

The burow greff may nocht thruch rycht do na man to athe for brekyn of assyse bot gif ony man plenyeis hym of othir. And gif he nytis it and the playntyfe have na wytnes than the tothir sall clenge hym eftir the law of burgh.

XXXIX.

De summa forisfacti in burgo

Sciendum est quod forisfactum burgi non excedit ultra octo solidos de convictis in querela et in placitis sed raro plene capitur

Of the burges forfalt

It is to wyt that the burges forfalt is bot viij s. of thaim that ar convycte in playntis and mutis. Bot the paynis ar all seldin tane.

XL.

De placitis principalibus per annum

Sciendum est quod tria sunt plàcita principalia per annum ubi quilibet burgensis debet interesse Primum est post festum sancti Michaelis Secundum post natale Domini Tercium vero post pascham Quicunque burgensis ad hec non fuerit nec se legaliter essoniaverit nisi fuerit infirmus vel extra patriam vel ad nundinas si fuerit manens in burgo dabit quatuor denarios ad forisfactum Si extra viij solidos et hac de causa quod burgensis ruremanens non compellitur venire ad aliqua plàcita per annum nisi ad hec tria placita principalia

Of the hevyd mutis that rynnys thruch the yhere

It is for to wyt that three hevyd mutis are thruch the yhere that behofis ilke burges for to be at. That is to wyt the first eftyr the fest of sanct Michael, the tother next eftyr Yoill, the thrid eftyr Pasch. And suilk burges hafe nocht beyn at thir mutis na hafe nocht lafully essonyeit hym, bot gif he war seke or ututh the countre or than at the fayris, gif he be wonnande in burgh he sal geyf iiii d. for his forfautyng. And gif he be a burges aponlande he sal geyf viii s. for whi the burges that is apon lande is nocht haldyn to cum til ony mutis thruch the yhere bot thir thre hevyd mutis.

XLI.

De burgagio collato in liberum maritagium

Si aliquis acceperit burgagium cum aliqua in liberum maritagium et cum ea genuerit masculum vel feminam et casu contingente moriatur uxor viri illius et post mortem matris si filius vel filia vivat vel moriatur vir illo burgagio omnibus diebus vite sue gaudebit sed illud ultra nec vendere nec impignorare potest Et si illa nocte qua nascitur filius vel filia simul moriantur mater et filius vel filia adhuc vir gaudebit bonis illius terre in vita sua ita tamen quod vir ille habeat testimonium duorum legalium virorum vel mulierum vicinarum qui audierunt infantem clamantem vel plorantem vel braiantem Et sic si plures terras acceperit in maritagium cum uxore sua Si vero prolem non genuerit dicta terra revertetur ad proximos heredes uxoris sue

Of borowage geyffin in fre mariage

Gif ony man has takyn a borowage in fre mariage wyth ony woman, and gettis with hyr a knayff chylde or a maydyn, and thruch aventure the wyfe deys, and eftyr the dede of that modyr hir son or hir dochter leyffis or deys, the man sall ioys the borowage all his lyf tyme, bot he may nocht wedsett na sell it. And gif that ilke nycht at that son or that dochtyr be borne bathe the modyr and the barne deys, than sall the man ioys all the gudis of that lande in his lyfe, sua at that man sall have wytnes of tua leil mon or of women nychtburis that herde the chylde cryand or gretand or brayand. And sua gif he haf tane ma landis wyth his wyfe in mariage. And gif he gettis with his wyfe na chylde the lande sall turn tyll his wyffis next ayre.

XLII.

De terra vendita in necessitate

Quilibet potest in legitima potestate sua dare vel vendere terram quam habet de conquestu suo cuicunque voluerit Sed si necessitate compulsus hereditatem vendere opporteat debet illam terram ad tria placita capitalia proximis heredibus offerre Quod si proximi heredes terram illam emere voluerint inveniant ei necessaria scilicet victum et vestitum sicut sibimet ipsis Vestimentum sit unius coloris scilicet grisii vel albi Quod

si sic facere noluerint aut per impotenciam non poterint licebit ei dictam terram prout melius poterit alibi vendere Quod si heres fuerit extra regnum in alio regno proximo expectare debet per xl dies Si autem in secundo regno per bis xl dies expectare debet et sic de regnis ulterioribus Si autem heres maliciose ultra dictum terminum se absentaverit licebit indigenti de terra sua prout melius poterit disponere

Of landis sauld be encheson of poverte

Ilke man in his lege pouste may sell or geyf the landis that he has of conquest in burgh to quham sa evir he will. Bot gif that thruch nede hym behovys sell his lande that he has of heretage he sal at the thre hevyd mutis proffyr that lande to the next of the ayris. And gif thaim lykis to by that lande thai sal fynd til hym at mysteris to sell mete and clathis suilk as beis necesare to thaim self The clathing sall be of a hew grysande or quhyte. And gif thai nocht wil do sua, or than be unpowar may nocht, it sall be leifful til hym the forsaid lande as he best may speid to sell. And gif the ayr be ututh the kynrik in the next kynrik he aw to byde hym xl dayis. And gif that he be in a ferrar kynrik next that kynrick he aw to byde hym tuyis xl dayis, and sua of othir ferrar kynrikis. And gif the ayr be absent for ivil wyl or malyce langer than the forsaid termys til hym assignyt it sal be leifful to the man mysterand to dyspone on his lande whar he may best speid.

XLIII.

De calumpnia terrarum in burgo

Si aliquis calumpniatus fuerit de terra vel tenemento suo in burgo non tenetur respondere adversario suo sine literis domini regis nisi sponte voluerit Et ipse qui calumpniatus est potest currere ad dilaciones et ad racionales essonias semel secundo et tercio Et quarto veniet ad warantizandum essonias suas et respondere ballivis quales sint de die in diem

Of the chalange of lande wythin burgh

Gif ony burges be challangyt of his lande or of his tenement in burgh, he is nocht haldyn to ansuer to his party adversar foroutyn the kyngis lettyris bot gif hym lykis. And he at is challangyt may ryn til his delayis and til his skylfull essoinyeis anys tuyis and thryis. And the ferde tym he sall cum to warande his essoinyeis ilke ane at he made as the ordyr of law will.

XLIV.

De namis non capiendis inter burgenses

Nullus burgensis capiet namum alicuius burgensis sed veniet ad domum suam cum bedello et ponet ei diem ad primum placitum ut veniat sibi responsurus si debitum reddere noluerit Quod si ad diem statutum non venerit erit in forisfacto et citabitur ut veniat ad proxima placita responsurus et sic deinceps

Na burges may tak punde of ane othir

Na burges sal take punde of ane othir wythin the kyngis burgh, bot he sal cum til his house wyth the seriand of the toune and he sal sett hym a daye at the fyrst mote that he cum for til ansuer gif he wil nocht yhelde the dett. And gif he cumis nocht at the day til hym sett he sal be in amerciament, and he sal be sommonde that he cum to the neste mote for to ansuer and sua forthwartis.

XLV.

De calumpniato peregrinante

Sciendum est autem quod si calumpniatus de terra fuerit in peregrinacione vel in negociis suis in partibus transmarinis antequam calumnians monstraverit literas suas in curia expectare debet donec veniat nisi fraudulenter se absentaverit et tunc debet expectare secundum quod superius scriptum est per spacium xl dierum

Of burges challangyt that is in pilgrimage

It is for to wyt that gif a man challangyt of his lande be passit in pilgrimage or on his errandis beyhonde the see befor the party adversar schaw the kyngis letteris in court, he aw to byde whil he cum hame bot gif he haldis hym away fraudfully. And gif he sua dois he sal abyde hym xl dayis of lauch and reson, and forsuthe na langar.

XLVI.

De castellano et burgense

Si aliquis de castello forisfecerit burgensi burgensis petat ius suum ad

castellum extra portas Si vero burgensis forisfecerit castellano castellanus petat ius suum in burgo de eo

Of ane castellane and a burges

Gif ony man of the castell has ocht misdone til ony man of the burgh he sal aske lauch at the castell ututh the yhettis. And gif ony man of the burgh has ocht misdone til ony man of the castell he sal aske lauch of hym in the burgh.

XLVII.

De cursu placitorum in burgo

Sciendum est quod a quindena in quindenam currunt placita in burgo tam de terris quam de mobilibus nec potest iudex contra voluntatem eius qui petit iusticiam diem ponere ultra quindenam nisi ipse qui petit voluerit aut concesserit aut ipse iudex ex debilitate curie et penuria consilii diem prolongaverit

Of the rynnyng of the mutis wythin burgh

It is for to wyt that fra xv dayis til xv dayis rynnis the mutis wythin the kyngis burgh alswele mutis of landis as of othir thyngis, na the bailye may nocht agane the wil of the party askande his rycht sett a langar day than xv dayis bot gif the party folowar wil and grant tharto, or ellis that the iuge thruch waykness of the court or skantness of soytouris may ferrar contynew the daye.

XLVIII.

De mensuris et ponderibus

Quilibet burgensis potest habere mensuram in domo sua ad bladum suum mensurandum ulnam lapidem et pondus ad ponderandum Et omnes mensure et lapides ad ponderandum sigillo burgi debent signari Et sciendum est quod quicunque inventus fuerit cum falso pondere vel mensura erit in forisfacto

Of mesurys and wechtys wythin burgh

Ilke burges may hafe in his hous a mesure to met his corne, ane elnewand, a stane and punde wecht for til wey. And al thir mesuris and wechtis sal be selyt wyth the seele of the burgh. And it is for to wyt that whasa is fundyn with fals mesure or wecht sal pay a full amercyment.

XLIX.

De eo qui vult fieri burgensis domini regis

Nullus potest fieri burgensis domini regis nisi faciat servicium domino regi quantum pertinet ad unam perticatam terre ad minus

Of hym that yharnis to be mayd Kyngis burges

Na man may be the kyngis burges bot gif he may do service to the kyng of als mekyl as fallys til ane rude of lande at the leste.

L.

De vastacione per ignem

Si ignis exierit de domo alicuius unde combustio fiat plurimarum domorum vicinarum nullum gravamen vel molestia debet inferri ei amplius quam habet quoniam satis dolore et angustia affectus est Similiter erit de illo qui arserit torralium alicuius sed amittet servicium suum Si quis accomodaverit torralium suum alicui et ardeat ipse cui accomodaverit tenetur reddere Sed si conduxerit pro suis denariis et ardeat non tenetur in aliquo restaurare

Of the brynnyng of housis and kyllis

Gif that fyr passis out of ony mannis hous whar thruch hapnis mony housis to be brynt to the nychtburis, na greyff nor na dystroblans sal be done til hym mar than he has, for sorow and hevines has he ineuch foroutyn mar. Rycht sua it is of hym that brynnis ane mannis kyll, bot he sal tyne his service. And whasa has lent his kyll til ony man and it brynnis, he that it to was lent is haldyn to restore it in sic ply as he it borowyt. Bot an he hyryt it for pennys and it byrn, he that it hyryt aw nocht to mak na mendis for it bot the hyre.

LI.

De replegiacione burgensis extra burgum

Si burgensis capiatur extra burgum suum pro aliquo debito vel forisfacto vicini sui ibunt ad plegiandum illum super expensas suas proprias si

fuerit captus infra vicecomitatum Si autem extra vicecomitatum captus fuerit ibunt super expensas illius qui captus est

Of the borowyng a burges ututh the burgh

Gif that a burges be attachyt ututh the burgh for det or for ony mysgilt, his nychtburis sall pas to borow hym on thair aune propir dyspence, gif that he be takyn within the schirefdom. And gif he be tane ututh that schirefdome thai sall pas apon his dispence at is takyn.

LII.

De introitu et exitu terre vendite

Quicunque vendiderit terram suam vel partem terre sue ipse qui vendit erit infra domum et exibit et alius qui emptor est stabit foris et intrabit Et unus dabit preposito unum denarium pro exitu terre et alius dabit denarium pro introitu suo et saisina Si autem terras excambiaverint inter se uterque illorum dabit duos denarios

Of the entre and furth passing of lande salde

Wha sa evir he be that sellis his lande or parte of his lande, he sall be innouth and sall pas out, and the tothir standand thar furth sall entyr it. And the tane sall geyff to the aldyrman a penny for the ische and the tothir sall geyff a penny for the entre and his sesyng. Gif forsuth thai mak acoyssing or a change of land amang thaim selff ilke ane of thaim sall geyff twa pennyis.

LIII.

De namo licite capiendo pro firma terre.

Si firmarius tuus non reddiderit tibi firmam tuam ad terminum statutum bene licebit tibi capere namum suum in terra tua infra domum tuam sine licencia prepositi

Of pundis to be tane for ferme in burgh

Gif thi maill man pay ye nocht thi maill at the terme day it is rycht leyfull to ye to take pundis in thi lande wythin that ilke house but leyff of the bailye.

LIV.

De stallangiatore namando infra burgum

Si stallangiator debet aliquod debitum burgensi bene licet burgensi capere namum suum ubicunque invenerit illum infra villam de rebus suis propriis Et sciendum est quod stallangiator nullo tempore potest habere loth cut neque cavyl de aliquo mercimonio cum burgense nisi infra nundinas quando quilibet potest habere loth et cavyl

Of stallangear to be pundyt wythin burgh

Gif a stallangear aw ony dett til a burges it sall be leyfull to the burges to tak his pund of his gudis whar that evir he fyndis hym within the burgh. And it is to wyt that na stallangear may hafe na tym loth cut or cavyll with a burges of ony maner of merchandise but in the tym of the fayris when that ilke man may hafe lot and cavyll wythin the kyngis burgh.

LV.

De rebus accommodandis ballivis castri

Nullus burgensis accommodabit ballivis castri per assisam et legem ville nisi ad valorem quadraginta denariorum de suis rebus et hoc per spacium quadraginta dierum Et si infra spacium XL dierum non reddiderint non accommodabit illis plus nisi sponte voluerit

Of gudis lent to the bailyeis of the castell

Na burges sall len to the bailyeis of the castell thruch assyse and law of the burgh bot anerly to the valur of xl d. of thar gudis, and that thruch the space of xl dayis. And gif wythin that terme he payis it nocht, he sall nocht len hym mar bot gif it be lykand to the burges to len it of fre will.

LVI.

De burgense citato ad curiam regis

Quicunque fuerit burgensis et calumpniatus fuerit de aliqua querela in quocunque feodo fuerit et citatus fuerit ad curiam domini regis veniet ibi et essoniet se in curia domini regis quod in curia sua in burgo faciet plenarium rectum coram preposito suo Si autem citatus fuerit a bedello

coram ydoneis testibus et non venerit ad curiam domini regis ballivus regis veniet ad custodem illius feodi et habebit plenarium forisfactum de eo si non habuerit rectum essonium Si autem ad curiam regis venerit et ibi plenarium responsum dederit et non fecerit mencionem de libertate sua vel feodo domini sui faciet in curia domini regis plenum ius

Of a burges sommonde to the kyngis court

What somevir he be that is a burges and he be challangyt of ony playnte, in what sa evir fee he haldis, and he be sommonde till apper in the kyngis court, he aw to cum thar and essoinye hym be the court of the burgh sayand thus that in his awne court of the burgh befor his aldirman or his bailye he sall do full rycht. Gif forsuth he be sommonde be a seriande befor sufficiand wytnes, and he cum nocht to the kyngis court, the kyngis bailye sal cum to the warden of that fee and sal haf of hym a full forfalt gif that he haf na rychtuis essoinye. And gif forsuth he cumis to the kyngis court and thar full ansuer makis, he makand na mencion of his fredome or of the fee of his lorde, than sall he full rycht in that court of the kyngis do.

LVII.

De burgense calumpniato non habente plegium

Si aliquis burgensis calumpniatus fuerit vel irretitus de aliquo malefacto et non poterit habere plegios burgenses ville custodiant illum in domo sua propria in vinculis per quindecim dies Et postea si tunc non habuerit plegios vicini sui ducant eum' ad prepositum regis et ibi recipiatur ab eis et deducatur ad domum bedelli domini regis si burgenses non habeant carcerem et ibi custodiatur a calumpniatoribus suis Bedellus vero inveniet ei vincula bona et fortia

Of a burges challangyt nocht hafand borowis

Gif ony burges be challangyt or blamyt of ony mysdede and he na borch may fynd, the burges of the toune sal kepe hym in festnying in his awne house be the space of xv dayis And eftirwarte, gif that he na borchis haf fundyn, his nychtburis sal lede hym to the kyngis bailye and thar he sal be ressavit fra thaim, and he sal be lede to the house of the kyngis seriand gif that the burges hafe na presone, and thar he sal be yhemyt fra his challangeouris And that ilke seriand sal fynd festnyng gud and stalluart.

LVIII.

De percussis lepra in burgo

Si quis manens vel natus in burgo domini regis percussus fuerit lepra et si habuerit facultates unde possit sustentari et vestiri ponatur in hospitali illius burgi Et si nichil habuerit de proprio unde viveret burgenses ville facient collectam inter se unde pascent et vestient eum et sit illa collecta usque ad viginti solidos Leprosi non intrent in villam nisi pertranseundo nec eant ostiatim sed sedeant ad exitum ville et ibi petant elemosinam al introeuntibus et exeuntibus Preterea nullus presumat hospitare aliquem leprosum infra burgum super plenariam forisfacturam

Of smyttyn leper in burgh

Gif ony that duellis in the kyngis burgh or was borne in it be fallyn in lepyr, that is callit mysal, gif that he hafe gudis of his awne thruch the whilk he may be sustenyt and cled he sal be put in the spytaile of the burgh. And gif he has nocht of his awne the burges of that toune sal ger be gadderyt amangis thaim a collec to the valure of xx s. of the whilk he may be sustenyt and cled. And it is to wyt that mysal men sal nocht entre in the toune gangand fra dur to dur, bot anerly to pas the he way thruch the toune, and thai sal sit at the toune end and thar ask almous at furth passand men and ingangand. And mar attour na man sal tak on hand ony mysal man in his house to herbery na reste wythin the burgh on payn of a full forfalt.

LIX.

Quod ballivi non vendant panem nec cervisiam

Nullus prepositus ballivus vel bedellus faciat in domo sua propria cervisiam neque panem ad vendendum

Of burrowgreffis bakande or brewande

Nane aldirman bailye na beddel sall bake bredo na brew ale to sell wythin thair awin propir house durande the tym that thai stand in office.

LX.

De pistoribus et venditoribus piscium

Pistores qui faciunt panes ad vendendum faciant albos panes et bisos secundum consideracionem et probacionem proborum hominum ville prout tempus se habuerit. Et pistor habeat ad lucrum de qualibet celdra secundum quod videatur probis hominibus ville Item nullus qui facit panem ad vendendum abscondat panem sed ponat in fenestra sua vel in foro ubi communiter vendatur Et qui convictus fuerit eo quod ita non fecerit dabit *[sex oras id est] octo solidos ad forisfactum et panis absconditus pauperibus erogetur Et similiter erit de venditoribus piscium

Of baxtaris and thaim that sellis fysche.

Baxtaris at bakis brede to sell sall bake whyte brede and gray eftir the consideracion and prise of the gud men of the toune eftir as the sesson askis. And the baxtar sall hafe to wynning of ilke chaldir eftir as sall be sene thruch the gud men of the toune and nocht eftir his awne discrecione. And wha that bakis brede to sell aw nocht for to hyde it bot sett it in thair wyndow or in the mercat that it may be opynly sauld. And wha sa dois othirwayis and thairof thai be convict thai sall pay amercyment of viii s. and the brede sall be delt to the puir folk. And rycht sa aw it to be of hym that bryngis fysche to sell to the burgh.

LXI.

De consuetudinibus in furno

Quicunque proprium furnum habuerit teneat in furno suo consuetudines domini regis factas secundum consideracionem proborum hominum ville Scilicet quod nullus habeat in furno suo plures servientes quam quatuor scilicet magistrum duos servientes et unum garciferum Dominus furni habeat singulis vicibus pro furno suo obolum †[vel panem] magister furni obolum duo servientes unum denarium garcifer quadrantem Et isti debent esse fideles et bone fame et iurabunt fidelitatem domino regi et communitati ville

Of the customys of ovynis in burgh.

Wha sa evir has propir ovyn of his awne he sall hald wythin it the custumis of our lord the kyng eftir the ordinans of the gud men of the toune. That is to

* Not in the Ayr MS. † Not in the Ayr MS., which agrees with the Scotch

wyt at na man may hafe ma servandis in his bakhouse than four, that is for to wyt a mayster tua servandis and a knayfe. The lorde of the ovyn sall hafe ilke tym for his ovyn a halpeny, the mayster a halpeny, tua servandis i d., the knayfe a farthyng. And thai sall be lell and of gude fame, and thai sall be suorne to kepe lawte to the kyng and the commons of the toune.

LXII.

De servientibus in molendino

Qui serviunt in molendino domini regis vel qui habent illud ad firmam n' n habeant servientes in molendino nisi per consideracionem proborum hominum ville et qui sint fideles et bone fame et qui iurent fidelitatem domino regi et magistris suis et hominibus qui veniunt ad molendinum Magistris de multura fideliter capienda et servanda Hominibus ad molendinum venientibus de blado servando et de recta multura capienda et locum molendini qui vocatur roume unicuique fideliter observando

The maner to haldo mylnis.

Wha sa evir he be that servis in the kyngis mylne or has it to male, he sall hafe na servandis in the mylne but thruch consyderacion of gud men of the toune, and thai aw to be lele and of gud fame and thai sall suer to kepe lawte to the kyng and to thair maysteris and to thaim that cumis to the mylne. To thair maysteris thai sall suer of multyr to be tane and kepyt. To thaim cumande to the mylne, of corne to be kepyt, of rychtuis multyr to be tane and thair roume lely to ilkane of thaim to halde.

LXIII.

De officio brasiatricum et eorum forisfactis

Quecunque femina brasiare voluerit cervisiam venalem brasiet secundum *constitucionem ville per totum annum Quod si non fecerit per unum annum et unum diem suspendatur ab officio Et si cervisiam faciat probabilem prout tempus se habuerit bene stabit Quod si malam fecerit et contra constitucionem ville egerit et in hoc convicta fuerit dabit octo solidos ad forisfactum vel iusticiam ville pacietur scilicet ponetur super le cokestole et due partes cervisie pauperibus erogentur et tercia pars fratribus hospitalis mittatur Simile iudicium erit de meda sicut de mala cervisia Et quelibet brasiatrix ponat signum cervisie extra domum

* *Consuetudinem*—in the Ayr MS.

suam per fenestram vel ostium ut visibile sit omnibus et commune Quod si non fecerit dabit quatuor denarios ad forisfactum

Of the maner of ale brewing be assise.

What woman that wil brew ale to sell sall brew al the yhere thruch eftir the custume of the toune. And gif scho dois nocht scho sal be suspendyt of hir office be the space of a yhere and a day. And scho sall mak gud ale and approbabill as the tym askis. And gif scho makis ivil ale and dois agane the custume of the toune and be convykkyt of it, scho sall gif til hir mercyment viii s. or than thole the lauch of the toune, that is to say be put on the kukstule, and the ale sall be geyffin to the pure folk the tua part, and the thryd part send to the brethyr of the hospitale. And rycht sic dome sal be done of meide as of ale. And ilke broustare sal put hir alewande ututh hir house at hir wyndow or abune hir dur that it may be seabill communly til al men, the whilk gif scho dois nocht scho sal pay for hir defalt iiij d.

LXIV.

De officio carnificum

Quicunque carnes vendere voluerit vendat bonas carnes scilicet bovinas ovinas et porcinas et vendat secundum consideracionem proborum hominum ville et ponat eas in fenestra sua ut sint communes omnibus emere volentibus Carnifices vero servient burgensibus tempore occisionis scilicet a festo sancti Martini usque ad natale Domini de carnibus suis preparandis et conficiendis in lardariis Si vero carnes male preparentur carnifex restituet ei dampnum suum cuius erant animalia Carnifices dum serviunt burgensibus comedent ad mensam illorum scilicet cum servientibus eorum Et habebunt pro uno marto obolum pro quinque ovibus obolum pro uno porco obolum

Of fleschewaris in the burgh.

Wha that wyl sell flesche he sal sell gude flesche beyff muttone and pork eftir the ordinans of gud men of the toune, and he sal sett his flesche opynly in his wyndow that it be sene communly till al men that will tharof. And fleschewaris forsuth sal serve the burges in tyme of slauchter, that is to say fra the fest of sayncte Martyne whil Yhule, of the flesche in thar lardyner to be graythit and dycht. And gif the fleschewar graythis ivil flesche he sal restor hym the scathis

that aw the bestys. And the fleschewaris whilis thai serve thaim thai sal ete at thair burde wyth thair servandis. And thai sal hafe for a cow or ane ox a halpeny, and for v schepe a halpeny, and for a swyne a halpeny.

LXV.

De animalibus emendis et interficiendis

Nullus manens extra burgum domini regis emat animalia ad interficiendum ante terciam pulsatam in hieme et primam in estate Proprii vero c) rnifices burgi emant animalia ad proprios usus ville qualibet hora diei Item nullus carnifex occidat animalia de nocte vel emat sed clara die et in botha sua et ponat in aperta fenestra sua Et qui aliter faciendo convictus fuerit dabit plenum forisfactum *[scilicet sex oras]

Of bestys bocht to be slayne.

Na man duelland ututh the burgh sall by bestys for to slay befor that undern be rungyn in wyntyr and mydmorne in somyr. Bot the propyr fleschewaris of the toune sal by bestys to the propir oysis of the toune al tyme of the day at hym lykis. And na fleschewar sal sla na by na beste on nychtertale bot on lycht day in thair bothys and thair wyndowis beande opyn. And wha sa beis convykkyt othir wayis doande sal geyff viii s. for his amerciament.

LXVI.

De regratariis

Regratarii qui emunt et vendunt ad lucrum non emant aliquam rem ad revendendum ante terciam pulsatam in yeme et primam in estate Neque lanam operatam vel aliam quam albam neque filetum neque aliquid aliud de consimilibus emant aut recipiant excepto tempore nundinarum Et si quis super hoc convictus fuerit dabit †[octo solidos ad forisfactum] et rem emptam tali modo amittet

Of hukstaris.

It is to wyt that hukstaris that byis and sellis agane to wynning sal nocht by ony thing befor that undern be rungyn in wynter and mydmorne in somer. Na woll, wrocht na lyttyt, na nane bot whyt woll, nor na yharne, nor nane suilke, sal by na tak outtane the tym of the fayre. And wha sa tharupon beis convykkyt sal geyff viii s. to the amerciament, and alsa he sal tyne the thyngis sa bocht.

* Not in the Ayr MS. † The Ayr MS. gives—*plenum forisfactum.*

LXVII.

De vendentibus generaliter in burgo

Omnes generaliter vendentes videlicet brasiatores pistores carnifices ac piscarii vendent omnibus tam transeuntibus quam aliis intraneis et extraneis quibuscunque et non plus retineant in domibus suis ad opus suum et familie sue nisi ad valorem quatuor denariorum quia totum residuum est commune omnibus ementibus Et qui aliter faciendo convictus fuerit dabit octo solidos ad forisfactum

Of sellaris of met and drynk.

All broustaris the whilkis sellis ale and thai that sellis brede or flesche or fysche and all hukstaris the whilkis byis and sellis communly, sal sell til al men als well gangand as cummand what somevir, and thai sall halde na mare in thair house to the oyse of thair hushalde gif that ony man wil by it bot to the valur of iiii d. oure nycht, and al the layff sal be common til al maner of man passand and cummand for thair payment. And wha dois the contrare of this and tharof be convyct he sal pay to his forfalt viii s.

LXVIII.

De falsitate in pondere vel mensura

Si quis scienter aliquam falsitatem fecerit in ponderando vel mensurando ut in lana vel in sepo animalium vel in adipe porcorum sive in consimilibus et super hoc convictus fuerit dabit octo solidos ad forisfactum *[et iusticiam ville patiatur Et inde castigabitur per ballivos burgi per forisfactum primo secundo et tercio Quarta vice sit in misericordia domini regis de vita et membro quia huiusmodi falsitas pertinet ad coronam domini regis et forisfactum burgi non excedit octo solidos Et in hoc casu forisfactum regis est x libre ideo pertinet ad regem]

Of men doand falset in wecht and mesure.

Gif ony man wytandly dois falset in mesurande or weyande of ony thyng suilk as woll nowte cresche or swyne sayme, and apon that he be convyct, he sall pay amerciament of viii s. for his defalt and amend to the party. And sua he sall be chastyt be the bailyeis of the burgh be his forfalt the fyrst tym the secund and the thryd. And the ferd tym he sall be in the kyngis mercy of lyff and of

* Instead of the remainder of this law, the Ayr MS. has—*et rem emptam aut venditam totaliter amittet* [and shall wholly lose the thing bought or sold].

membrys, for sic falset pertenys to the kyngis croune syn the forfalt of the burgh excedis nocht viii s., and in suilke case the kyngis amerciament is x li. forthi it pertenys to the kyng.

LXIX.

De precone consentiente falsitati

Si quis preco in burgo domini regis falsitati consentiat aut mercedem capiat causa constitucionis ville pessundande vel minorande et in hoc convictus fuerit dabit octo solidos ad forisfactum et privabitur ab officio suo et mercede et non stabit ulterius in testimonio

Of the falset of criouris in burgh.

Gif the criour [or seriand] of the kyngis burgh consentis til falset or takis ony hyre to breke or to empare the constitucion of the toune and tharof beis convyct, he sall pay viii s. to his defalt and sall tyne his office and his hyre, and fra that tyme furth for evir mare nevir to be trowyt.

LXX.

De electione prepositorum in burgo

Ad primum placitum post festum sancti Michaelis eligendi sunt prepositi communi consilio proborum hominum ville qui sint fideles et bone fame Et iurent fidelitatem domino regi et hominibus ville Jurent eciam fideliter conservare consuetudines ville *[et quod non facient iusticiam de aliquo vel aliqua] propter iram vel odium timorem vel amorem alicuius sed per constitucionem consilium et iudicium proborum hominum ville Jurabunt eciam quod nec timore nec amore nec odio alicuius nec consanguinitate nec pro amissione pecunie parcent alicui in iusticia facienda

Of the chesying of the borowgreffis.

At the fyrst mute nexte eftir the feste of sancte Mychael the aldirman and the bailyeis sal be chosyn thruch the consaile of the gud men of the toune, the whilk aw to be lele and of gud fame. And thai sal suer fewte til the lorde the kyng and to the burges of the toune. And thai sal suer to kepe the customys of the toune and [that] thai sal nocht halde lauch on ony man or woman for wroth na for haterent na for drede or for lufe of ony man, bot thruch ordinans consaile

* In the Ayr MS.—*et quod facient justiciam cuilibet nec parcent alicui* [and that they shall do justice to every one nor spare any].

and dome of gude men of the tounc. Alsua thai sal suer that nother for radnes na for lufe na for haterent na for cosynage na for tynsale of thair silver thai sal nocht spare to do rycht til all men.

LXXI.

De electione preconum in burgo

Precones in burgo eligendi sunt communiter ab omnibus burgensibus qui fideles sint et bone fame et iurent fidelitatem domino regi et prepositis ville et hominibus ville in pleno placito*

Of the chesyng of the criouris in burgh.

The criouris [seriandis] sal be chosyn communly be the consent of all the burges and thai aw to be lele men and of gude fame and thai sal suer fewte to the kyng and the aldirman and the bailyeis of the toune and to al burges in full court.

LXXII.

De foristallatoribus in burgo

Nullus infra burgum habitans vel extra sit tam audax in die fori exire extra portas burgi ad emendum aliquam rem antequam veniat infra burgi ianuas Et qui super hoc convictus fuerit dabit octo solidos ad forisfactum

Of forstallaris in the kyngis burgh.

Na man that wonnys in the kyngis burgh na yit ututh sal be sa hardy on the mercate day for to pas ututh the lymytis of the burgh for to by ony gudis befor that it cum wythin the yhettis of thè toune. And thai that dois the contrare and thar apon is convyckit sal pay amerciament of viij s. unforgyffyn.

LXXIII.

De pisce lato ad vendendum.

Quicunque tulerit pisces ad vendendum in villa non ferat in aliquam domum sed ad forum domini regis si de die venerit Si de nocte venerit

* *Eodem modo de Bedellis*—Ayr MS. [and so of serjeants].

hospitare debet usque mane et tunc cum hora fuerit integre feratur ad forum domini regis et communiter omnibus ementibus vendatur Nec presumat aliquis emere piscem ad mare vel alibi quam in foro domini regis ad revendendum Et si quis super hoc convictus fuerit dabit octo solidos ad forisfactum Si aliquis piscator assuetus fuerit venire de nocte et pisces abscondere causa lucri vel mali ingenii et super hoc convictus fuerit dabit octo solidos ad forisfactum. Item nullus qui emit piscem ad revendendum emat piscem nec scindat ante horam primam in estate et ante horam terciam in hieme Et si fecerit dabit octo solidos ad forisfactum

Of thaim that bryngis fysche to sell.

Wha sa that bryngis fysche to the toune for to sell sal nocht bere it in any house bot playnly in the mercate, gif that he cumys on the lycht daye. And gif that he cumys on the nycht he sal ga herbery hymself and his fysche wythin the toune whil the mornynge and when the tym cumys it sal be hadde unwemmyt to bryng it to the mercate, and thar til al thaim that wil it by, it sal be salde. Na man sal tak on hand to by fysche at the see or at ony othir place for to sell agayne bot in the kyngis mercate, and wha that is of this convyct sal geyff viij s. for his forfalt. Gif ony suilke of usage hantys to cum on nycht because of mukeryn and tavernys his fysche in house by nycht the whilk he sulde sell on the day in the mercate, he sal geyff til his forfalt viij s. Alsua na man that byis fysche to sell agayn sal by thaim na scheyr thaim befor mydmorne in somyr and that undern be rungyn in wyntir. The whilk gif he dois he sal pay to his forfalt viii s.

LXXIV.

De custodia burgensis irretiti de malefacto

Si quis irretitus fuerit de aliquo malefacto et retentus a calumpniatoribus suis infra burgum et dicat se habere plegium ducatur a calumpniatoribus suis infra burgum usque ad domum in qua dicit se habere plegium si de die captus est Si de nocte capiatur cum clamore retineatur et custodiatur a calumpniatoribus suis et custodibus ville usque mane ut vicini qui prope sunt sciant qua de causa captus est ut si poterit habere

plegium habeat Si non ducatur ad domum preconis et ibi custodiatur a calumpniatoribus suis si carcere careant donec paciatur iudicium*

Of a burges takyn for ony mysdede.

Gif ony burges be arettit of ony mysdede and he be haldyn of his challangearis wythin burgh and he sayis hym to hafe a borch, he sal be ledde be his challangearis thruch the burgh to the house in the whilk he sayis his borch is, gif that he be tane apon the day. And gif that he be tane apon nycht wyth cry he sal be yemyt be his challangearis and be the keparis of the toune whil mornyng, that his nychtburis that duellis neyrhande may wyt for what encheson he is takyn that gif he may hafe a borch he sal hafe it. And gif he may hafe nane he sal be ledde to the seriandis house and thar he sal be kepyt be the challangearis, gif that the burgh has nocht a prisoun, whil he thole dome.

LXXV.

De tempore veniendi ad placita infra burgum

Quicunque debet ius capere vel facere in burgo veniat ad placita in hieme ante horam terciam et in estate ante horam primam Et si venerit ante iudicia facta appellator appellet appellacionem suam et calumpniatus respondeat coram prepositis et probis hominibus ville in plena curia Et secundum appellacionem et responsionem detur legale iudicium in curia Et si infra dictos terminos non venerit amittet placitum suum in die illa si non habuerit legale essonium

Of the tym of cumyng to mutis in burgh.

Wha sa evir that aw to tak rycht or do rycht in the burgh he sal cum to the motis at the tym of undern in wyntyr and befor mydmorne in somer. And gif he cumys befor dome be giffyn the folowar sal put furth his challange, and he that is challangyt sal mak ansuer befor the bailyeis and worthi men of the toune

* In the Ayr MS. is this addition :—*vel sic. Si latro comprehensus fuerit cum fang aut homicida cum layundarg surgant hii qui tenent in baronia infra burgum per sectam calumpniatorum et statim de ipso malefactore sive de die sive de nocte facient justitie complementum. Quia pro baronia in tali casu reputabuntur.*

[If a thief be taken with the fang or a murderer red-hand, they which hold in barony within the burgh shall rise at the suit of the challengers, and shall straightway, whether it be day or night, take full justice on the malefactor. For in such case they will be held for a barony].

in playn courte. And eftir the folowyng and the ansueryng lauchful dome sal be giffyn in the court. And gif he cumys nocht wythin thir termys he sal tyne his mote for that day bot gif he has ony lauchful essonye.

LXXVI.

De calumpniis per prepositos vel bedellos

Si prepositus vel precones ville habeant calumpniam versus aliquem vel aliquos non possunt neque debent ducere testes contra illos in aliqua curia nec calumpnia sed pars defendens se acquietabit per legem

Of challange mayd be aldirman or bailyeis.

Gif the aldirman or the seriandis of the toune hafe ony challange agaynis ony man, thai may nocht na thai aw nocht lede wytnes agaynis hym in ony challange, bot the tothir party sal acquyt him lauchfully aganis thaim.

LXXVII.

De proteccione peregrinancium

Si aliquis in burgo fuerit peregre profectus per licenciam ecclesie et vicinorum suorum in terram sanctam vel *[ad sanctum Jacobum vel ad alium sanctum locum eat peregrinacionis causa] domus eius et familia sua sit in pace domini regis et prepositorum donec eum reduxerit Dominus

Of burges passyt in pylgrimage to be in pece.

Gif ony man of the kyngis burgh be passyt in pylgrimage wyth leyff of the kyrk and of his nychtburis, in the haly lande or than to sancte Jamys or til ony othir haly stede for the hele of his saule, his house and his meynye sal be in oure lord the kyngis pece and the bailyeis whil the tym that God bryng hym hame agayne.

LXXVIII.

De calumpniato pluribus calumpniis

Si aliquis calumpniatus sit per aliquem pluribus calumpniis non tenetur

* The Ayr MS. has only--*aliam peregrinationem.*

respondere uno die nisi de una calumpnia nisi sponte voluerit Sed diversis personis de diversis calumpniis respondere tenetur

Of syndry challangis.

Gif ony man be challangyt of syndry challangis he is nocht haldyn to ansuer to ma than ane on a day bot gif he wyl. Bot til syndry men he sal ansuer of syndry challangis.

LXXIX.

De terra in vadio posita infra burgum

Si quis *[habuerit terram] in vadimonio positam potest eam acquietare quando voluerit nisi fuerit ad certum terminum impignorata Et cum perventum fuerit ad terminum offeratur ei vadimonium suum per tres dies placiti Et si noluerit eam acquietare vendatur et sumat creditor pecuniam suam Et si quid residuum fuerit detur ei cuius vadimonium fuerit

Of lande that is wedset wythin burgh.

Gif ony man has lande laid in wed til ony man he may it outquyte when that evir hym lestis bot gif it be wedset til a certane terme. And when that terme war runnyn he sal profyr hym his wed at thre hed mutis. And gif he wil nocht it outquyte, it sal be salde and the creansour sal tak his dett. And al the remanande that he gettis mar than the dett sal be geyffin til hym that aucht the wed.

LXXX.

De his qui sunt infra etatem

Nullus faciat iuramentum vel ferat testimonium vel faciat responsionem in burgo qui sit infra etatem sed custos eius sive tutor in cuius custodia est reddet responsum pro eo et pacietur iudicium secundum consuetudinem burgi et consideracionem proborum ville

Of a chyld beand wythin eyld in burgh.

It is to wyt that nane beand wythin eylde in the kyngis burgh sal suer ath na wytnes bere na ansuer mak, but his wardane in whais yhemsall he is sal geyff

* *Habuerit aliquam rem aut terram*—in the Ayr MS.

ansuer for hym and thole dome for hym eftir the consuetud and the consideracion of the worthi men of the toune.

LXXXI.

De modo vigilandi in burgo

De omni domo in qua aliquis habitat qui racione vigilare poterit unus tenetur racione periculi vigilare qui cum baculus vigilie circumierit ostiatim debet invenire aliquem virilis etatis cum duabus armaturis qui exibit quando ignitegium pulsaverit et sic vigilabit caute et solicite usque ad auroram diei Et si in hoc defecerit dabit quatuor denarios ad forisfactum exceptis viduis

Of the maner of wakyng in burgh.

It is for to wyt of ilke house wythin the burgh in the whilk thar wonnys ony that in the tym of wakyng aw of resoun to cum furth, thar sal ane wachman be haldyn to cum furth when that the wakstaff gais fra dure to dure, wha sal be of eylde, and sal gang til his wache wyth tua wapnys at the ryngyng of the courfeu, and sua gate sal wache wysly and besily til the dawyng of the daye. And gif ony hereof failye he sal pay iiii d., outtane wedous.

LXXXII.

De querela de blaa et blodi

Si quis verberando fecerit aliquem blaa et blodi ipse qui fuerit blaa et blodi prius debet exaudiri sive prius venerit aut non ad querimoniam faciendam Et si uterque fuerit blaa et blodi qui prius accusaverit prius exaudietur

Of playnte of hym that is mayd blaa and blody.

Gif ony man strykis anothir whar thruch he is mayd blaa and blody, he that is mayd blaa and blody sal fyrst be herde, whethir he cumys fyrst to plenye or nocht. And gif that bathe be blaa and blody, he that fyrst plenyeis hym sal fyrst be herde.

LXXXIII.

De convictis de periurio vel falso testimonio

Si quis semel convictus fuerit de periurio vel de falso testimonio nunquam postea exaudietur de iuramento prestando vel de testimonio perhibendo

Of hym that is tayntyt manesuorne.

Wha sa evir he be that anys is convyct manesuorne or false wytnes berar, nevir mare sal he be herde in preyff na in wytnes beryng.

LXXXIV.

De porcis habendis in burgo

Non licet alicui burgensi in burgo manenti porcos in burgo retinere nisi habeat custodem eos sequentem vel pascat eos in hara unde vicini dampna non incurrant

Of the maner of swyne haldyng in burgh.

It is nocht leyfull til ony burges wythin the kyngis burgh duellande for to halde swyne in the burgh bot gif he hafe a kepar folowand thaim in the feylde, whar thruch his nychtburis inryn na scathe nor noye, or than that he hald thaim in sty.

LXXXV.

De advenis non hospitandis in burgo

Nullus in burgo manens debet aliquem advenam plus quam una nocte in hospicio suo retinere nisi plegium pro eo dare voluerit

Of uncouth men to herbery.

Na man wonnande in burgh aw to herbery ony strangear in his house langar than a nycht, bot gif he becum borch for hym as a lauchfull man.

LXXXVI.

De constitucione pacis nundinarum

Hec est constitucio pacis nundinarum in burgo domini regis citra Forth scilicet postquam pax nundinarum proclamata fuerit nullus capietur nec attachiabitur in illis nundinis nisi infregerit pacem nundinarum versus nundinas veniendo vel inde redeundo vel in ipsis nundinis moram faciendo Vel nisi utlagus domini regis fuerit vel proditor regis aut talis malefactor

quem pax ecclesie defendere non debeat Quod si talis fuerit malefactor aut pacem nundinarum infregerit attachiabitur firmiter usque ad placita nundinarum Et tunc recto stabit et iusticia de eo fiet unde fuerit calumpniatus

Of stabillyng of the pece of fayris.

This is the ordinans of the pece of fayris on this halfe the wattir of Forth, that is to wyt, that fra the pece of the fayr cryit thar sal na man be takyn na attachyt wythin that ilke fayr bot gif he breke the pece of the fayr towart it cumande or wythir. it duelland or fra thin passand, bot gif he war the kyngis traytour, or gif he war suilke a mysdoar that gyrth of haly kyrk aw nocht to sauffe hym. And gif ony suilke mysdoar be fundyn, or sic as has brokyn the pece of the fayr, he sal be attachyt and sykerly kepyt till the motis of that ilke fayr, and thare he aw for to byde dome and lauch of the courte.

LXXXVII.

De rebus furatis et inventis in nundinis

Si quis invenerit rem suam in nundinis quam dicit sibi esse roboratam vel furatam vel amissam debet ducere eum cum quo res inventa fuerit ad ballivos nundinarum et coram illis debet nominare dominum suum et ubi domum habet et invenire plegium coram ballivis nundinarum calumpniatori quod quindecimo die post nundinas habebit rem calumpniatam in loco quem nominaverint ballivi et ibi stabit recto calumpniatori Si vero plegium non habuerit ballivi debent retinere rem usque dum calumpniatori plegios invenerit aut amplius usque ad placita nundinarum Et si calumpniatus tunc venerit et plegium invenerit sicut dictum est res ei commendabitur et calumpniator loquelam suam prosequatur Si autem calumpniatus ad placita nundinarum non venerit res tradatur calumpniatori per bonos et securos plegios ita quod si aliquis alius veniat qui inde loqui voluerit ipse ad summonicionem predictorum ballivorum perducat rem illam eo loco quo eam recepit et talem qualem eam recepit aut rei valenciam si res perierit aut custodia sua fuerit peiorata ad faciendum ibi quod iustum fuerit de eadem

Of stollyn gudis fundyn in the fayre.

Gif a man fyndis his thyng in the fayre that he sayis war fra hym reft or stollyn or be ony maner tynt, he aw to lede hym wyth wham the thyng is fundyn

to the bailyeis of the fayre, and thare he aw to nemmyn his lorde and whar he has house, and for to fynd an borch foroth the bailyeis of the fayre to the challængear that xv dayis eftir the fayre he sal hafe the thyng that is challangyt in the stede the whilke the bailyeis lymitis, and thare he sal stand to rycht til his challangear. And gif he hafe na borch the bailyeis sal halde that ilke thyng whil that he fynd borch to the challangear, or ellys til the tyme of the motis of the fayre. And gif he that is challangyt cum than and a borch fyndis as it is befor sayde, than sal the thyng be geyffin in his possession, and than the challangear sal folow his querell. And gif the challangear be present and he that is challangyt than cumys nocht, the thyng that is challangyt sal be geyffin to the challangear undyr sykkyr borch, sua that gif ony eftirwart wil cum and challange the sayd thyng, he sal at the somondyng of the bailyeis furth bryng it to that stede whar that he ressavyt it, in als gud state as it was when he ressavyt it, or than the valur of it gif it be perysit or warryt in his kepyng, and thare to do for it as lauch wil.

LXXXVIII.

De natiyis fugitivis inventis in nundinis

Si quis invenerit nativum suum fugitivum in nundinis dum pax durat nundinarum non potest eum capere nec attachiare

Of bondis that ar fundyn in fayris.

Gif ony man fyndis his bonde in the fayre the whilk is fra hym fled, whil the pece of the fayr is lestande he may nocht of lauch chace na tak hym.

LXXXIX.

De burgense qui traxerit alium in plegium

Si burgensis traxerit alium burgensem in plegium et debitor moriatur et heres non habeat unde possit debitum patris sui persolvere preter terras quas pater suus dimisit oportet plegium dictas terras retinere per spacium quadraginta dierum Et infra quadraginta dies debet dictas terras offerre propinquioribus parentibus et amicis ad tria placita* Si autem eas emere vel acquietare noluerint licebit plegio dictas terras vendere ubicunque

* The Ayr MS. gives, after *placita*,—*Si autem dictas terras aut emere aut acquietare voluerint habebunt* [if they wish either to buy the said lands or to pay the debt they shall have it].

melius poterit et respondere creditori de debito suo et si quid residuum fuerit restituet debitori

Of a burges drawand anothir in borowgang.

Gif a burges drawys ane othir burges in borowgang and the dettur deis, his ayr nocht haffande to mak assythe thar off outtane the landis that his fadyr left til hym, it behofis the borch to halde the landis be the space of xl dayis. And wythin tha xl dayis tha ilke landis he sal peroffyr at thre hed courtis to the nerrest frendis. And gif thai may nocht by the landis or outquyte the dette, it is leyfull to the borch fra thin furth to sell tha landis whar evir he may best, and gif ocht remaynis attour the soum that he was borch for, he sal geyff it to the ayris of hym for wham he was borch.

XC.

De burgense debitore

Si burgensis debeat debitum alicui et ad terminum non habeat unde possit persolvere nisi terras suas oportet creditorem dictas terras retinere per unum annum et unum diem et infra annum et diem propinquioribus amicis dictas terras offerre Et si eas emere vel acquietare noluerint licebit ipsi creditori eas vendere ubicunque melius poterit Et si quid ultra pecuniam suam sive debitum residuum fuerit debitori restituatur

Of burges that aw dette.

Gif ane burges aw dette til ony man and at the terme hafe nocht to pay it bot his landis, the man that the dette is aucht to sal halde tha landis thruch a yhere and a daye and wythin that yhere and daye he sal peroffyr thaim to the nerrest ayris. And gif thai wil nocht by thaim or ellis outquyte the dette, it is leyful til hym to sell tha landis whar he wil. And gif thare be aucht attour, it sal be goyffin to the dettur.

XCI.

De fraudulenta redempcione terrarum venditarum

Si aliquis burgensis vendiderit terram suam cogente necessitate et oblata fuerit propinquioribus parentibus et ipsi non habuerint unde eam possint emere tempore empcionis et postea cum viderit dictam terram promotam

et hospitatam veniat quidam ex predicta parentela et offerat se emere dictam terram per pecuniam ei fraudulenter accomodatam non debet exaudiri, nec potest eam aliquo modo revocare

Of fraudful redempcion of landis salde.

Gif a burges sellis his lande for encheson of nede wythin the burgh, and it hafe bene befor the sellyng of it byddin to the nerrest of the frendis, that tym thai nocht hafande whar wyth that thai mycht it by, and syne eftir when that lande is wele byggit and anournyt than sum man of the next frendis cummys wyth a soum of silver fraudfully tharto borowyt and byddis that lande to by, he aucht nocht to be herde, na sal eftir agane call the byer of it on ony wyse.

XCII.

De essoniis in burgo

Sciendum est quod nullum essonium habet locum in aliqua querela in burgo de terra calumpniata nisi fuerit pro infirmitate probata per testes et pro servicio domini regis vel pro transitu ad nundinas

Of essonyeis in mote of lande wythin burgh.

It is to wyt that na essonye takis stede in the burgh in till the mote of lande, bot gif a man be seyk and pruffyt be wytnes, or than he be in the kyngis service, or at he has passyt to certane fayris.

XCIII.

De sutore tannante

Nullus sutor tannator potest emere coria ad tannandum maioris precii quam quod cornua et aures sint equalis longitudinis

Of soutaris barkande in the burgh.

It is to wyt that na soutar duelland wythin the burgh aw to by ony hydis of mare prise to bark bot tha that has the eyris and the hornis of a lenth.

XCIV.

De gilda mercatoria

Nullus tinctor vel carnifex vel sutor potest esse in gilda mercatoria nisi abiuret facere officium suum manu propria sed per servientes suos sub se*

Of thaim that may nocht be in the gylde.

It is to wyt that nothir lytstar na fleschwar na soutar may be wythin the fredome of the gylde bot gif he sal forsuer to do that craft wyth his awne propir handis bot wyth servandis undir hym.

XCV.

De terris datis ad feodofirmam

Statutum est quod si quis dederit alicui terram suam ad feodofirmam salva sibi et suis quadam firma nominata et postea feodofirmarius necessitate compulsus voluerit dictam terram vendere ipse qui dedit dictam terram ad feodofirmam et sui erunt propinquiores ad dictam terram emendam quam aliquis alius

Of landis lattyn till feuferme in burgh.

It is ordanyt that gif ony man lattis his lande in feuferm wythin the burgh, sauffand til hym and his ayris a certane ferm nemyt, and eftirwart he that tuk the lande in nede is stadd it to sell, he and his ayris at it to feuferme lete sal be nerrer to by that lande than ony othir man or woman.

XCVI.

De fatente se iniuriam fecisse

Si aliquis calumpniet aliquem quod verberavit eum vel aliam iniuriam ei fecerit et ponat ad dampnum suum centum marcas vel quantum voluerit dicere et calumpniatus in responsione sua negaverit wrang et unlaw et dicat bene recolo quod feci tibi aliud quam facere debui et illud

* The Ayr MS., which adds *piscator* to the men of trades excluded from the merchant gild, adds at the end of the law,—*Nullus predictorum braciet seruisiam ad vendendum nisi habeat plumba duplicia unum videlicet pro officio suo et alterum pro servisia.*

[No man of the aforesaid trades shall brew ale for sale except he have two vats, one for his trade, the other for brewing.]

paratus sum emendare ad visum proborum hominum eo modo emendet Et si tale responsum non dederit sed totum clameum sustineat et precise neget et ad diem legis legem facere non poterit in forisfacto convictus erit et condemnabitur ad totum dampnum quod adversarius suus ponit super eum

Of a man grantand his awne wrang.

Gif ony man challangis ane othir that he hafe dongyn hym or othir harmys till hym done, and he put till his scathe i^{c} markis or als mekil as he will, and he at is challangyt in his ansuering nyte the wrang and unlauch and sayis this, I graunt I did othir thyng na I aucht to do and I am redy to do amendis be the sycht of worthi men, sua sal he amende it. And forsuth gif he mak nocht his ansuer bot agane haldis the clame and haly nytis it, and gif at the day of lauch he failyeis of his acquittance, he sall be convyct and sall be put in all the scath that his adversar may set agane hym.

XCVII.

De namacione burgensis alterius burgi

Nullus debet namare vicinum suum de alio burgo pro alicuius debito vel forisfacto nisi sit capitalis debitor vel plegius vel nisi prepositus defecerit ei de iusticia quod absit

Of pundyng a burges of ane othir burgh.

Na burges aw to punde his nychtbur beande burges of an othir burgh for ony mannis dett or trespas, bot gif he be hede dettour or borch til hym, or than the balye falye hym of lauch that God forbede he suld do.

XCVIII.

De custodia heredis burgensis

Si contingat quod burgensis moriatur heres et catalla sua si fuerit infra etatem erunt in custodia parentum ex parte matris et hereditas tota in custodia parentum ex parte patris

Of the kepyng of a burges ayre.

Gif a burges dee and lefe ony ayre, that ayre and his catall sal be in yemsell of

his frendis on the mudyrhalf, and his heritage sal be in yemsell of his frendis on the fadyrhalf till the leill elde of the ayre.

XCIX.

De possessore deiecto a possessione sua

Assisa tenta apud Novum Castrum* determinavit quod cum aliquis burgensis fuerit in possessione alicuius terre sive iuste sive iniuste et superveniat alius dicendo se verum esse heredem de illa terra et evertet eum de dicta terra et extra possessionem propria auctoritate sua et sine iudicio Queritur utrum ipse qui prius fuit in possessione debet recuperare saisinam de deiectore antequam respondeat Et responsio datur quod ipse qui prius fuit in possessione sive iuste sive iniuste semper primo debet recuperare saisinam et eam tenere vel amitere in forma iudicii Et deiector erit in forisfactum domini regis

Of ane burges eiectet furth of his possession.

This is the assise of the New Castell, that gif ony man of ony burgh war in the possession of ony land whether it be rychtwisly or wrangwisly, and sua cummys ane othir in sayand that he is very ayre of that ilke land and hym out puttis that was in possession of his awn autorite and withoutyn dome. Wharfor it is askit at us burges of the New Castell whether he that was first in possession sal recover his sesing befor that he ansuer till him that put him out. To that than ansuer we, that he that was first in possession rychtwisly or unrychtwisly sall all tym first recover his possession, and efter that gif he tyn his possession in forme of law and dome, that he is haldin to doo. And he that puttis him out be his awn propir autorite and will sal remayn in the kingis amerciament.

C.

De dispersonacione prepositi

Si aliquis dispersonaverit prepositum in plena curia oportet eum cum amicis suis ut deneget aperto ore dicens quod mentitus est et cum vadimonio misericordie Et postea tactis sacrosanctis iurabit se nichil

* The Ayr MS. does not give the place where the law was enacted, but that and other MSS. shew that it was the result of a conference between the Burghs of England and Scotland.

mali scire de eo · Et si alias ipsum dispersonaverit erit in iurisdictione prepositi et vicinorum suorum ut emendet

Of hym that myssayis the aldirman.

Gif ony man dyspersonys or myssayis the aldirman in full courte it behufis hym wyth his frendis to nyte it wyth opyn mouth, sayand that he leyit of that at he sayd of hym, layande a wedé in his wyl, cryande hym mercy thar off. And eftirwart he sal suer apon the haly sacrament that nevir ivyll of hym he wate. And gif he myssay hym ane othir tym he sall be in the mercy of the aldirman and of his nychtburis, sua that he sall mak amendis to hym at he myssaïde.

CI.

De terris non alienandis in lecto egritudinis

Consuetudo burgorum est quod nullus burgensis in lecto egritudinis sue de qua moritur aliquas terras quas hereditarie possedit in burgo nec alias quas acquisierit in sanitate sua a vero herede possit alienare vel alicui dare ab herede aut vendere nisi forte ere alieno esset oneratus quia de necessitate oportet ipsum terras vendere vel alienare cum necessitas legem non habet Et nisi heres eius nec posset nec vellet eum de omni debito suo deliberare*

A seke burges may nocht analy.

It is for to wyt that the custom of the burgh is that na man lyande in bedde of dede, ony landis the whilk he has heritably in burgh, na yhete other the whilk he purchest in his hele, fra the verray ayre may analy or till ony othir geyff or sell, bot gif it war sua that he war sa gretly constreignit throu nede that it behovit hym algatis do, for nede has na law. And that his ayre walde nocht or for poverte is nocht of pouer his faderis nede to stanche or his dett to pay redyly.

CII.

De castellano prohibito

Nullus castellanus debet intrare in domo burgensis ad interficiendum porcos nec porcellos nec aucas nec gallinas Sed veniat ad ostium burgensis et petat si habeat aliquod de predictis ad opus domini Regis

* This is part of the matter consulted upon at Newcastle.

Et si habeat vendat Et si habeat et non vult vendere et inveniantur in vico licebit castellano occidere et vicini apresciabunt illud animal et dabitur precium possessori cuius est Et hoc non facient castellani vel ministri Regis nisi ter in anno scilicet ad natale domini ad pascha et ad pentecosten et non ulterius

Of castellayne at rynnis in the town, &c.

It is for to wyt that na castellayne sall ryn in the town within a burges house to sla swyne grysys na geyse na hennys, bot he sall cum to the burges house and he sall ask gif ony suylk be thar to sell to the kyngis myster. And gif thai ony hafe thai sall sell thaim. And gif thai hafe ony and nane will sell and thai be lundyn in the streyt it sall be lefull to the castellayne to slaa thaim, and the nichbouris sall pryse thaim and the pryse sall be geyffin to the possessouris. And this sall nocht the castellaynis do bot thryse in the yhere, that is for to wyt befor the Yule Paske and Whytsonday, and in the yhere nane oftare be law of burgh.

CIII.

De pectricibus relinquentibus burgum

Si pectrices reliquerint burgum *[propter campestres] capiantur et incarcerentur dummodo infra burgum possunt opera querere sufficienter

Of kemestaris that forsakis the burgh.

Gif ony kemestaris levis the burgh to dwell wyth uplandys men, havand sufficient worke to occupie thaim within burgh, thai aw to be takyn and prisonyt.

CIV.

De viduis ementibus in burgo

Si vidua manens in burgo vult emere cum vicinis suis et vendere debet communicare in omnibus auxiliis suis cum eisdem et econverso†

Of wedowys byand and selland in burgh.

Gif a wedow wyl by and sell wyth her nychtburis in the burgh, scho aw to commou wyth thaim in alkyne helpys, bot nocht utherways.

* In the Ayr MS.—*pro campestribus in patria gerendis* [for rural work].

† Instead of the concluding words the Ayr MS. had—*in omnibus auxiliis preter vigilare* [in all aids except watching]—altered on the margin, in an old hand, to the reading here given, which is that of the later MSS.

CV.

De electione lineatorum infra burgum

Prepositus burgi per visum et consilium communitatis debet eligere lineatores ad minus quatuor viros providos et discretos ita quod nullus clamor ad camerarium dómini Regis veniat pro defectu lineacionis Et si clamor ita veniat omnes erunt in forisfacto tam ballivi quam lineatores Et dicti lineatores iurabunt quod fideliter in longitudine et latitudine lineabunt tam frontem quam partem ulteriorem tenementi secundum rectas et veteres divisas burgorum

Of the lyneris wythin burgh.

The aldirman at the sicht and be the consale of the communite of the burgh suld cheise lyneris at the lest four wise and discrete men sua that na complaynt cum to the kyngis chalmerlane for inlaik of lyning. And gif ony complaynt beis maid thai sal be all in an unlaw alswele bailyeis as the lyneris. And the saidis lyneris sal suer that thai sall leilly lyne in lenth as braidnes baith foir part and back part of the land according to the richt and auld merchis withyn the burgh.

CVI.

De capitali messuagio non alienando

Nullus potest alienare messuagium suum capitale ab herede suo nec inde dotare uxorem suam si terram aliquam aliam vel terras habuerit ad uxorem suam dotandam vel pro necessitate vendendam

Of alienacion of the chefe tenement.

Na man may put away his chefe bigging fra his ayre, na dow his wyfe thar in, gif that he has ony othir lande wyth the whilk he may mak lauchful dower, of ellis he be constrenyeit to sell it thruch nede.

CVII.

De alienacione terrarum propter necessitatem

Si contingat quod aliquis habens terras de hereditate sive de conquestu et ipse in tantum dilexerit filium suum heredem quod eidem filio omnes terras suas in legitima potestate sua dederit Et postea inexcusabilis necessitas patri evenerit et ostendat filio suo inopiam suam et ipse filius noluerit patri suo succurrere pater potest easdem terras de hereditate et conquestu vendere vel invadiare cuicunque voluerit Et debet illa paupertas probari ante vendicionem vel alienacionem per duodecim legales et fideles homines videlicet quatuor manentes ex una parte ipsius vendentis et quatuor ex altera et quatuor ex opposito ipsius aliter vendicio nulla est

Of the successione of the sone to the fadris herytage.

Gif it sa betyde that ony man hafe landis outhir of heretage or of conquest, and he luf his sone that til hym is ayre sa mekyll that he gevis to that sone all his landis in his lege pouste, And efteruart a myster unexcusabill cumis to the forsaid fadre and he schawis til the sone his myster, the whilk sone will nocht do to the fadre na succour, than may the fadre leyfully sell or wedsett the landis whethir heretage or conquest to wha sum evir he will for his myster. And suilk nede aw to be provyt befor that the landis be sald or analyt be the athis of xii lele and worthi men of the burgh, that is to wyt four wonnande on the ta halfe and four on the tothir halfe and othir foure fore anent the house, or ellis that alienacion sal be of nane avale.

CVIII.

De terris datis per patrem suis liberis

Si quis habuerit plures terras et plures pueros et dederit unicuique unam terram et forte omnes pueri sint infra etatem et custodiam patris Tunc forte dicet heres post decessum patris quod donacio patris nulla est quia pater suus cepit in tota vita sua fructus earundem terrarum Sed in hoc

heres non debet exaudiri quia pater eius dedit eas in legitima potestate sua

Of landis geyffin be a fadre to syndry chyldir.

Gif a man hafe syndry landis and syndry chyldir and till ilke ane he geyffis a lande, and peraventure it fallis tha chyldir ar wythin elde and wythin yhemsale of the fadre, and peraventure the ayre walde [say] eftir the fadris disses that suilk gyftis war of na vale, for why that his fadre tuk the froytis tharof in all his lyfetyme. Suilk saw of the ayre sall nocht be herde, be this resoun that the fadre gafe his landis sua in his lege pouste.

CXIX.

De essoniis et dilacionibus

Hoc intelligendum est quod tot essonia et tot dilaciones habebit appellator quot et ille qui defendit de dampnis et iniuriis vel de terris calumpniatis quia quot modis dicitur unum oppositorum tot modis dicitur et reliquum

Of essonyeis and delayis.

It is til undirstand that als mony delayis and als mony essonyeis he that followys sall hafe as he that deffendis of scathis or wrangis or of landis challangyt, for why in als mony maneris as a thyng is sayd of a kynd als mony maneris is sayd ane othir waye in that ilke kynd.

CX.

De citacione facta per servientes regis

Sciendum est quod citacio facta burgensi in burgo per servientes domini Regis sine bedello eiusdem burgi non est audienda

Of somondis maid be the kyngis seriandis.

It is to wyt that summondyng maid til a burges wythin the burgh be the kyngis seriandis, foroutyn a seriand of the burgh, aw nocht to be herd.

CXI.

De saisina data in burgo

Si saisina data fuerit in burgo coram vicinis burgi licet sit extra curiam nec fuerit in curia prelocuta sufficit tamen ista talis saisina

Of geyffyng of sesyng in burgh.

Gif sesyng be geyffin in burgh befor the nychtburis of the burgh thocht it be ututh the courte na forspokyn thar in, it sall suffice wele inoch.

CXII.

De legibus servandis in burgo

In omni burgo tocius regni Scocie superior illius burgi faciat duodecim legales burgenses sufficientiores et discretiores burgi sacramento suo asserere quod omnes leges et iustas consuetudines pro posse suo legitime conservabunt et manutenebunt

Of the kepyng of the lawis in burgh.

In evir ilk burgh of the kynrik of Scotland the mare or aldirman of that ilk burgh sal ger xii of the lelest burges and of the wysast of the burgh suer be thair gret athe that all the lawys and the usyt custumys lauchfully thai sal yeme and mantene eftir thar powar.

CXIII.

De uno debito et uno plegiagio

De uno debito erit nisi unus debitor et unum plegiagium et unum forisfactum de uno forisfacto Et erit nisi una misericordia licet plures sint plegii

Of dettis and borowgang.

Of a dett thar sal be bot a dettur or a borch, and for a mysdede thar sal be bot a forfalt. And althocht thar be ma borowis than ane thar sal be bot a merciment.

CXIV.

De hereditate burgagii vendenda

Si aliqua hereditas burgagii cadat alicui in burgo viro vel femine vel sororibus ex parte patris aut matris et oporteat ipsum vel ipsos vel eorum aliquem propter sui paupertatem dictum burgagium vendere invadiare vel ad feodofirmam dimittere vel quocunque modo alienare non licebit ipsi vel ipsis vel eorum alicui dictum burgagium vendere invadiare nec ad feodofirmam concedere nec aliquo alio modo a seipsis alicui extraneo alienare si proximi heredes illud emere voluerint vel ad vadium aut feodofirmam accipere

Of heritagis of borowagis to be salde.

Gif ony heritage of borowagis fallys till ony man or woman or systeris on the fadyrhalf or on the modyrhalf in burgh, and it behufis hym or hyr thruch poverte thair borowage to sell or to wedset or to ferme lat or ony othir maner to put away, it is nocht leful to thaim that borowage to sell na to wedset na to lat to fee na on nane othir wayis to put fra thaim selff til ony strange man, gif the nerrest ayris wil by it or tak in wed or in feuferm.

CXV.

De divisione bonorum burgensis

Consuetudo est in omnibus burgis Scocie a tempore de quo non extat memoria in contrarium quod si aliquis burgensis liberos procreaverit de uxore sua legitima et ipse decedat tercia pars omnium bonorum debetur filiis et filiabus ipsorum Legitimus autem filius primogenitus et heres eiusdem viri et uxoris habebit eandem porcionem bonorum quam et filii alii videlicet equalem cum aliis liberis nisi ipse primogenitus fuerit forisfamiliatus*

Of the partyng a burges gudis.

The custum is in the burghis of Scotlande, and that lang tyme that na man may thynk That gif ony burges hafe barnis lauchfully gottin betuix hym and his wyfe, and he dee, the thryd part of all the gudis sall be to the barnis dochteris or

* One of the matters consulted on at Newcastle.

sonnys. And the eldast sonne and lauchful ayre of that samyn man sal hafe the samyn porcione of the gudis evinly wyth the tothir barnis bot gif he hafe takin a porcione of befor and he be festnyt furth

CXVI.

De vasis et utensilibus ad heredem pertinentibus

Si homo vel femina burgensis in burgo moriatur sive testamentum fecerit sive non de omnibus bonis suis heres habebit ad domum suam ista utensilia scilicet mensam meliorem mappam manutergium pelvim lavatorium principalem lectum cum lintheaminibus et ceteris pannis ad lectum pertinentibus lectum plumalem melius plumbum cum maskfat cupam barellum lagenam cacabum tripodem fissum caminum urceolum uncum Ista a domo legari non possunt Item quicquid edificatur plantatur aut seritur totum solo cedit Item habebit cistam hucham aratrum plaustrum bigam redam ollam eream patellam cratem ferream girdalium mortarium pilam discum perapsidem ciphum duodecim coclearia scamnum scabellum tribulam stateram cum ponderibus vangam securim Et si terra sit hereditaria omnia ista ad ius hereditarium spectare noscuntur Sed in legitima potestate vendi possunt si necessitate vel paupertate dominus eorundem compulsus fuerit et hoc testificetur per burgenses Et de predictis vasis et utensilibus omnibus et singulis semper meliora pertinent ad heredem

Of thyngis pertenand to the burges ayre.

Gif a man or a woman that is burges dee in the burgh, whethir that thai mak testament or nane, of all the gudis the ayre sal hafe thir necessare thyngis pertenand til his house, that is to say the best burd wyth the trestis, a burd clayth, a towall, a basing, a lawar, the best bed wyth the scheyttis and all the laif that tharto pertenys of claithis, and the best fether bed [or noppis gif thar be na fethirbed], a leyd with a maskfat, a gylfat, a barell, a caldrone, a ketill, a brandreth, a posnet, a chymnay, a stop, a cruk. Thir forsaidis thyngis aw nocht to be left in legacy fra the house. Alsua what evir be byggit set or saune all sall byde wyth the grunde. Alsua he sall hafe a kyst, a schyrn, a pluch, a wayne, a cart, a char, a brasyn pot, a pan, a rostyng yrne, a girdill, a mortar, a pestall, a masar, a dubblar, a cop, tuelf spunys, a benk, a furm, a stull, a balance and wechtys, a spade, ane ax. And gif the lande be herytage all thir thyngis forsaid till herytabill

rycht ar knawin to perteyn, nevir the less the burges in his lege pouste all thir thyngis may sell gif that he be constrenyeit wyth necessite or poverte, and that sall be wytnessyt be the burges. And of all thir forsaid thyngis and all uthiris of houshald the best pertenys to the ayre.

CXVII.

De manente infra burgum attachiato

Si quis manens infra burgum attachiatus fuerit ob aliquam causam per ballivos regis non ducatur extra libertatem burgi ad castrum vel clausuram nisi defecerit de plegiis

Of ane burges wythin burgh attachyt.

Gif ony man wonnande in burgh be attachyt be encheson thruch the kyngis bailyeis he sall nocht be had ututh the fredome of the burgh, nouthir to castel na til nane othir firmyn, bot gif it be that he hafe na borowis.

CXVIII.

De delicto uxoris burgensis

Si uxor burgensis deliquerit vicino suo aliquo modo et invenerit plegios de stando iuri sine consensu sui mariti et in curia in stultam responsionem inciderit et convicta super aliquo delicto fuerit per iudicium curie maritus eius non tenetur inde respondere videlicet de delicto neque de misericordia neque de peticione aut querela partis adverse ulterius quam ad valorem quatuor denariorum nisi sponte voluerit Tenetur tamen eam quasi ignorantem et sine consilio viri sui agentem negligenter sicut puerum infra etatem castigare cum non sit sui iuris

The payne of ane wyfe trespassand.

Gif the wyfe of a burges trespassis til hir nichtburis and fyndis a borch to stand to the law wythout the consent of hir husband, and gif in the courte scho fallys in foly ansuer and thar of be convyct be dome of courte, hir husband is nouthir haldyn til ansuer for the amerciament na yit for the askyng of the folowar forthir than the soum of iiii d. bot gif hym lykis. Bot he sall chasty hir as a barne wythin eylde as scho at for faut of knawlege wrocht out of his consale.

CXIX.

De lineacione terrarum in burgo

Si utraque parte presente terra aliqua sit lineata per ballivos et fideles homines ville et mete posite fuerint et saysina illarum metarum tenta et usa fuerit per unum annum et unum diem altera vice non debet lineari Sed si aliqua meta remota fuerit ballivus tenetur facere iusticiam conquerenti.

Of lyning of lande.

Gif ony lande be lynit be the bailyeis and lell men of the toun bath the partis beand present, and the merkis be laide and sasing of the merchis haldyn and oysyt be a day and a yer, the saide lande ane other tym aw nocht to be lynit agane. Bot gif a merk be remuffit the balye aw to do rycht to the plenyeour.

EXPLICIUNT LEGES QUATUOR BURGORUM.

[THE END OF THE LAWS OF THE FOUR BURGHS.]

ASSISE REGIS WILLELMI.

THE LAWS OF KING WILLIAM THE LION, IN SO FAR AS THESE RELATE TO THE BURGHS.

ASSISE WILLELMI REGIS.

THE LAWYS MADE BE THE KYNG WILLAME.

XXXIX.

De libertate gilde mercatorie

Item statuit [Rex Willelmus] quod mercatores regni habeant gildam suam mercatoriam et ista gaudeant in pace cum libertate emendi et vendendi ubique infra limites libertatum burgorum ita quod quilibet sit contentus sua libertate et nullus occupet libertatem alterius ne forte in itinere Camerarii nostri condemnetur ut foristallator et puniatur

The libertie of the merchandis gilde.

Item it is statut that the merchandis of the realme sall haif thair merchand gilde and sall ioice and possesse the samyn, with libertie to by and sell in all placis wythin the boundis of the liberties of burghis, sua that ilke ane be content with his awne libertie and that nane occupy or usurpe the libertie of another, that he be nocht convict and punischit in the Chalmerlane ayr as ane forestaller.

XL.

De mercimoniorum venditione.

Item statuit quod nullus prelatus aut persona ecclesiastica neque comes baro aut persona secularis presumat emere lanam pelles coria aut huiusmodi mercimonia sed huiusmodi vendant mercatoribus burgorum infra quorum libertatem et vicecomitatum morantur domini vendentes Et precipit dominus Rex quod huiusmodi mercimonia et omne genus mercimoniorum presententur ad forum et crucem burgorum suorum et ibidem ad minus preofferentur mercatoribus burgorum effectualiter sine fraude Et inde ibidem solvatur custuma regia

Of buying and selling of merchandise.

Item it is statut that na prelat or kirkman erl baron or secular person sall presume to by woll skynnis hydis or sic lik merchandise, bot that thai sall sell the samyn to merchandis of burghis wythin whais schirefdom and libertie the awnaris sellaris of tha merchandises dois duell. And it is commandit be the King that the merchandises forsaid and all other merchandises salbe presentit at the mercat and mercat croce of burghis, and thar at the lest salbe preofferit to the merchandis of the burgh effectuouslie wythout fraud or gyle. And the custome tharof salbe payit to the King.

XLI.

De extraneis mercatoribus

Item statuit quod nullus extraneus mercator cuiuscunque nationis fuerit emat vel vendat aliquod genus mercimoniorum extra burgum sed in burgo tantum et precipue mercatoribus et a navibus mercatorum burgi Precipit etiam dominus Rex quod nullus extraneus mercator cum navibus veniens et cum merchandisis scindat pannum vel vendat in denariatis sed in grosso et tunc in burgo et mercatoribus burgi Et si aliquis extraneus mercator faciens in contrarium reperiatur capiatur per

ministros de gilda et detineatur et puniatur tanquam defensionem regiam confringens

Of strangear merchandis.

Item it is statut that na strangear merchand of whatsumever nation he beis sal by or sell ony kind of merchandise wythout burgh, bot wythin burgh allenarly, and chefly to merchandis and fra schippis pertenand to the merchandis of the burgh. Likwise the King commandis that na strangear merchand arrivand with schippis and merchandise sall cut claith or sell in penny worthis bot in grete, and that wythin burgh and to the merchandis of the burgh. And gif ony strangear merchand sall happin to be fundyn doand in the contrar he salbe apprehendit be the servandis of the gilde, and salbe punischit as ane brekar of the Kingis protection.

STATUTA GILDE.

THE LAWIS OF THE GILD.

STATUTA GILDE.

THE LAWIS OF THE GILD.

Hic incipiunt statuta Gilde apud Berwicum facta.

In nomine Domini Dei et indiuidue Trinitatis et beate Marie Virginis et omnium sanctorum Hec sunt Gilde burgensium statuta per dispositionem domini Roberti de Bernhame militis tunc maioris de Berwico, Symonis Maunsel et aliorum predicti Burgi proborum virorum primo et principaliter constituta, Vt per multa corpora in vno loco congregata sequatur et vnica voluntas et vna eorumdem in relacione vnius ad alterum firma et sincera dilectio ne particulariter aliqui Burgensium nostrorum congregati aliquo [loco] generalis Gilde libertatem uel statuta possint elidere aut noua consilia contra Gildam hanc possint concipere in futurum.

Heyr begynnis the lawis of the gyld.

In the name of the Haly indiuid Trinite and of the blessyt Mary the Vergyn, begynnis the statutis of the gilde of Scotland, be the disposicioun of Robert Bernhame mair of Berwick and Simon Maunsell and other gude men of the said burgh ordanit and constitute, sa that throu mony bodyis in a place gaderit togidder thru the relacion of ane til an other may folow vnite and concord, ane will and ferme and sekyr lufe ilk ane till other. Sa that na perticular congregacione the fredoume of the generall gyld in ony thing may hurt or its statutis break or ony new consail again this gilde tak.

I.

Prohibicio ne aliqua alia Gilda procuretur.

Statuimus ut omnes particulares Gilde hactenus in Burgo nostro habite abrogentur et catalla eis rationabiliter et de jure debita huic Gilde exhibeantur. Et nullus amodo aliquam aliam ab ista in Burgo nostro presumat procurare. Set habito omnium membrorum ad vnum capud vno respectu vnum inde in bonis actibus proueniat consilium, vna societas firma et amicitia verissima.

Off the kepyn of the generall gylde.

We haf ordanit that all perticlar gilde hidertill oysyt in ony burgh salbe away put, and the catall [to] thaim ressonabilly and of law aucht salbe gevin to this gilde, and in tym to cum be na maner of wys ony vthir gyld thai presume to procure, bot vnyon had of all the membris til a hed in all gud deidis thar sall cum to gethir a falouschip sekyr and a suthfast frendschip bot dyssayt.

II.

De forisfactis spectantibus ad Gildam.

Statuimus quod omnia forisfacta excedentia octo solidos nisi fuerint de tollonio Regis, juri uel libertati communi prepositorum spectantia, huic Gilde exhibeantur.

Off forfauttis of the gylde.

We haf ordanyt that all forfautis excedand viij s., out tayne thaim that ar of the Kingis toll, or thaim that pertenys to the richt and the fredomis of the baylyheis, salbe geyffin to this gylde.

III.

Quod fratres Gilde legent aliquid ad Gildam.

Statuimus etiam ut fratres huius Gilde in dispositione testamentorum tertio loco secundum quod eis libuerit de parte eos tangente huic Gilde delegent nisi ex necgligencia fuerit omissum ita quod aliquid legent.

Off testmentis of the gylde.

We haf ordanyt that the brether of this gyld in the dispositioune of testment, in the thryd place, efter as it be lykand to tham, of the part to tham pertenand thaj leff to this gylde, bot gif thru negligence it be left vndone.

IV.

De illo qui non est confrater Gilde.

Item si quis non fuerit confrater huius Gilde et in extremis suis aliquid de bonis suis eidem Gilde delegauerit recipimus eum in confraternitatem nostram et ad debita sua perquirenda et in aliis necessitatibus suis ac si esset confrater predicte Gilde eidem concilium nostrum et auxilium concedimus.

Of thaim that salbe ressauit in the gylde.

Gif ony be nocht bruther of this gyld and in his last days of his gudis to the samyn gyld he ocht leyff, we ressaue hym in our brutherhed, till his dettis to be gottin and in his other nedis to be done, and rycht as he war bruther of our gyld we grant hym oure consall and oure helpe.

V.

De delicto confratris Gilde contra confratrem.

Item Statuimus insuper quod si quis confratrum nostrorum verbotenus deliquerit, ad Gildam nostram adeundo uel morando ibidem seu inde

redeundo, erga confratrem suum, primo, secundo, et tercio emendacionem faciat Gilde in, xl. denarijs.

[Of trespass by a brother of the Gild against another.]

Item, we haf ordanit that giff ony of oure brether trespas till ane othir throu wordlaik, other gangand fra the gyld or duelland amangis the gyld or cummand to the gylde, he sall amend in xl. d. the fyrst tyme, the secund and the thyrd tyme.

VI.

Ordinacio qualiter transgressor puniatur.

Item si quarto deliquerit verbo uel facto, condempnetur et puniatur secundum arbitrium Aldirmanni, Ferthingmannorum, Decani et aliorum confratrum Gilde et secundum decretum eorumdem satisfaciat leso.

[Ordinance how an offender shall be punished.]

And giff the ferd tym he trespas, he salbe condampnit at the will of the Alderman [the Ferthingmen] the Dene of the gyld and of the laf of the brether, and sall mak amendis for the skayth efter the decreit of thaim.

VII.

Alia ordinacio de transgressoribus.

Item si quis confratrum nostrorum pungno alium percusserit emendet Gilde in dimidia marca et secundum arbitrium Aldirmanni [Decani et] aliorum confratrum satisfaciat leso. Et si quis confratrum ab alio sanguinem extraxerit violenter emendet Gilde in xx. solidis, et secundum arbitrium Aldirmanni [Decani et] et ceterorum confratrum leso satisfaciat secundum delicti quantitatem . nec debet aliquid de emendis istis prece alicui relaxari.

[Another ordinance anent offenders.]

Item, giff ony of the brether stryk ane vther with his nef he sall amend it with halff a mark, and efter the will of the Alderman and the Den and the layff of the brether he sall mak asyth to the party. Item, giff ony of the brether of the gyld thru violence drawis blud of ane othir he sall amend wyth xx s., and efter the will of the Alderman and of the Dene and of the layff of the brether he sall assyth. Nor ther sall nayn of thir mendis wyth ony prayer be loussit na slakyt be na maner of way.

VIII.

Inhibicio contra contumeliosum.

Statuimus insuper quod nullus contumeliosus audeat uel presumat infra limina Gilde nostre cultellum cum puncto portare quod si fecerit emendet Gilde in xij. denariis.

Off hym that has a knyf in the gyld.

Item, we haf ordanit that na barganour within the boundis of the gyld sal ber a knyff with a poynt, the whilk giff that he dois he sall amend with xij. d.

IX.

De sanguine extracto.

Item si quis baculo aut armo ferreo ab alio sanguinem violenter extraxerit aut aliquod membrum mutilauerit secundum arbitrium Aldirmanni condempnetur.

[Of blood drawn.]

Item, giff that ony with a staffe or with ony yrne wapin or ony vther wapin vyolently drawys blud of ane other or makis ony mutilacion, he salbe condampnyt efter the will of the Alderman.

X.

De forisfacto pertinente ad lumen Gilde.

Item si quis minxerit' super calciamenta sua in vili modo aut super parietes domus Gilde nostre durante Gilda nostra emendet in quatuor denariis ad lumen Gilde.

[Of forfeits belonging to the gild light.]

Item, gif ony stal in the yet of the gilde or upon the wall of the gild endurand the gild, he sall gif iiij. d. to the mendis.

XI.

Ordinacio confratris Gilde.

Statuimus etiam ut nemo recipiatur in confraternitatem nostram huius Gilde nostre minus quam xl. solidis exceptis vero filiis et filiabus burgensium et confratrum Gilde nostre.

[Of receiving of brother of the gild.]

Item, we haf ordanit that nane salbe ressavyt within our fraternite of gilde les than xl. s., except they be Gild sonnes and Gild dochters.

XII.

De confratre in decrepita etate vel morbo.

Item si quis confratrum nostrorum Gilde nostre in decrepitam etatem uel paupertatem aut morbum incurabilem inciderit et de proprio non habuerit vnde possit sustineri secundum disposicionem Aldirmanni et aliorum confratrum releuetur secundum facultates Gilde nostre.

Off hym that fallis crukyt in the gylde.

Giff ony of our brether of the gilde in his eyld fall crukyt or pure or in ane vncurabill seyknes, and he haue nocht of his awin whar of he may be sustenyt, efter the estymacion of the Alderman ande of the brether, as the faculte of the gyld askis and may susten, he salbe releffyt.

XIII.

De filia confratris Gilde.

Item si quis confratrum nostrorum Gilde post obitum suum relinquat filiam suam ex eius vxore coniugata que sit laudabilis conuersationis et bone fame et non habens de proprio vnde sibi prouideri poterit de viro vel de domo Religionis si caste viuere voluerit secundum dispositionem Aldirmanni et aliorum proborum secundum facultates Gilde de viro vel de domo Religionis sibi prouideatur.

Off the dochter of the gyld bruther.

Giff that ony of the brether of the gyld efter his desces leyff a dochter off his spousit wyff borne, the whilk be of loffabill conuersacione and of gud fame,

goyff scho haf nocht of hir awin whar of it may be purwayt hir of a man [or of a religiouse house gif that scho lyk to lef chast] efter the estimatioun of the alderman and the faculte of the gilde, it salbe purwayt til hir of a husband or than a hous of relygione.

XIV.

Ordinacio super exequias fratris Gilde in paupertate.

Item si confrater Gilde nostre moriatur et non habuerit de proprio unde exequias suas poterit celebrare confratres Gilde nostre de facultatibus eiusdem Gilde corpus defuncti honorabiliter faciant humari. Et si qui de confratribus Gilde in villa existentes ad humacionem confratris sui non venient sint in forisfacto vnius bolle ordeacei brasei.

[Order anent burial of a poor brother of gild.

Gif ony of the breder of the gilde hapyn to disses, and has not to bring him to the erde as afferis, or to ger sing for his saule, the breder sal tak of the faculteis of the gilde and ger his bodye be honestly layd in erde. [And if any of the brothren of the Gild, being in the town, shall not come to the burial of his brother, he shall forfeit one boll of barley malt.]

XV.

De confratre calumpniato quomodo vicini cum eo laborabunt.

Item si quis confratrum nostrorum aut plures extra burgum de vita et membris fuerint calumpniati uel vexati probi viri duo vel tres de Gilda laborabunt cum eo duas dietas recedendo super expensas Gilde si vero vltra duas dietas cum ipso laborauerint reus tunc propriis expensis suis eos cum ipso adducet et reducet. Similiter si necesse fuerit vlterius super expensis rei cum eo laborabunt, Si per aliquem super aliquo facto iniuste vexatus fuerit. Si vero iuste vexatus reus adducet super propriis expensis confratres et secundum arbitrium Aldirmanni etc. condempnabitur.

Off hym that is vexit vtuth the burgh.

Giff that ony ane or ma of our brether of the gyld be vexit or chalangit vtouth the burgh of lyff and of membris, ij men or iij men of the gylde sall travell vyth hym tua days passand fra hame upon the expens of the gyld, and giff thai be furth langer than tua days the perty gylty, of his awn expens sal leide thaim

with hym, and gif mister [langer] be, thai sall trawal with him apon the expens of him that maid the defalt. And gif he be rytwisly wexit, he sal leid thaim with him of his awn expens.

XVI.

De vicino nolente laborare cum vicino.

Item statuimus quod siquis confratrum nostrorum hanc confraternitatem nostram contumaciter neglexerit nullus de confratribus nostris ei consilium uel auxilium verbo vel facto infra Burgum uel extra ministrabit. Et si etiam super vita et membris placitatus fuerit uel in aliquo honorem terrenum tangente vexatus fuerit non ei succurremus...

Off hym that passes avay fra the gylde.

Item, we haf ordanit that giff ony of our brether pass avay fra the gyld neclygentlye, nan of the brether sall mynister till hym consall na help in vord nor in deyde vythin the burgh nor vtuth. All thocht he be impledyt and in perall of lyff and membryce or in ony other erdly charge, he sall haue na help of thaim.

XVII.

Ordinacio qualiter vicini aggregari debent.

Statuimus etiam ut quocienscumque Aldirmannus et Ferthingmanni et ceteri probi congregare voluerint confratres ad negocia Gilde tractanda omnes confratres Gilde conveniant indilate audita campana super forisfactum. xij. denariorum.

[Ordinance for gathering of the brethren.]

Item, we haf ordanyt that als oft as the Alderman [and the Ferthingmen and other good men] will gader the brether of the gyld till ther nedis to be trettyt, all the brether sall gather to gether, the bell herd vnder the payn of xij d. And. when the lytill bell is rungin thro the town than the bell in the bellhous salbe rungin thris, fyrst schortly and syn twys, ilk tim a resonabill space, and whatsomeuer bruther of the gyld what place of the town that he be in and heris that bell and cummys nocht to the place of the congregatioun, or the ryngin of the bell ces, he salbe in his amerciament.

XVIII.

Constitucio de leprosis.

Statuimus ut nullus leprosus ingrediatur limina portarum Burgi nostri et si quis casualiter ingressus fuerit per seruientes Burgi nostri statim eiciatur. Et si contra hanc prohibicionem nostram aliquis leprosus portas Burgi nostri consuetudinarie ingredi presumpserit indumenta sua quibus indutus est capiantur et comburantur et nudus eiciatur quia de communi consilio prouisum ut eis colligantur elemosine ad eorum sustentacionem in loco competenti extra Burgum nostrum et hoc dico de leprosis alienigenis.

[Ordinance concerning Lepers.

We ordain that no leper shall enter the ports of our Burgh, and if one by chance enter he shall be forthwith thrust out by the serjeants of our Burgh. And if, contrary to this our prohibition, any leper shall presume to come customarily within the gates of our Burgh, his clothes wherewith he is clad shall be taken and burned, and he shall be thrust forth naked, because it is provided of common consent that alms shall be collected for the sustenance of lepers in a proper place outwith our Burgh; and this I say concerning stranger lepers.]

XIX.

Ordinacio ne fimum ponatur in foro nec in communi via.

Statuimus ut nullus presumat uel audeat apponere fimum uel aliquod puluerulentum uel cineres in via communi uel in foro uel super ripam de Twede in dampnum et lesionem circumtransientium. Et si quis hoc fecerit condampnetur in octo solidis ad forisfactum.

[Ordinance against putting filth in the market-place, or on the common way.

We ordain that no one presume or dare to place filth or any dust or ashes on the common way, or in the market-place, or on the banks of the Tweed, to the hurt and skaith of the passers by. If any one so do, he shall be fined eight shillings as forfeit.]

XX.

Ordinacio loquendi in curia.

Statuimus quod in placitis nostris nullus loqui audeat de hoc quod tangat causam nisi tantummodo actor et reus aut eorum aduocati, Et tantummodo Balliui qui tenent curiam, et hoc ad inquisitionem cause vtriusque partis. Set tam actor quam reus ad consilium suum vnumquemque indifferenter poterit euocare . Et si quis contra hanc prohibicionem nostram venire presumpserit condempnetur in octo solidis.

[Ordinance anent speaking in court.

We ordain that in our courts no one shall dare to speak of that which touches a cause, except only the pursuer and the defender, or their advocates, and except also the Bailies who hold the court, and that for trying the case of each party. But the pursuer as well as the defender may call upon any man indifferently to give counsel. And if any one presume to contravene this our prohibition, he shall be fined eight shillings.]

XXI.

De Burgensi carente equo.

Statuimus insuper ut quicumque Burgensis habuerit in catalla x. libras habeat in stabulo suo equum decentem ad minus de valore xl. solidorum. Et si quis ab equo suo aliquo casu priuatus fuerit, morte, vendicione donacione, uel quocunque alio modo equum perquirat infra xl. dies. sinautem condempnetur in octo solidis ad Gildam.

[Of Burgesses being without a Horse.

We ordain that any burgess having in goods ten pounds shall have in his stable a seemly horse worth at least forty shillings. And if he be deprived of his horse by any chance, death, sale, gift, or in any other manner, he shall within forty days provide another. If not he shall be fined eight shillings to the Gild.]

XXII.

Ordinacio de molis manualibus.

Statuimus quod nullus frumentum, mastilionem uel ciliginem ad molas manuales molere presumat nisi magna tempestate cogente uel penuria molendinorum hoc faciente, et si quis in tali casu moluerit ad molas manuales dabit pro multura, xiij. vas. Et si quis hanc prohibicionem nostram contraire presumpserit a molis manualibus priuetur imperpetuum, et braseum suum molet ad molendina ad. xx. iiij. vas.

[Ordinance anent hand mills.

We ordain that no one shall presume to grind wheat, mixed grain or rye, at hand mills, unless compelled by great storm or scarcity of mills; and if in such case any one shall grind at hand mills, he shall give the thirteenth measure for multure. And if any one shall presume to contravene this our prohibition, he shall be deprived of his hand mills in all time coming, and shall grind his malt at mills paying the twenty-fourth measure.]

XXIII.

De libertate confratris Gilde.

Statuimus ut nullus emat coria lanam aut pelles lanutas ad reuendendum aut pannos scindat nisi fuerit confrater Gilde nostre uel extraneus mercator ad sustentacionem officij sui et non habebit Loth neque Cauel cum confratre nostro.

[Of the liberty of brother of the Gild.

We ordain that no one buy hides, wool, or wool skins to sell again, nor cut cloth, unless he be a brother of our Gild, or a stranger merchant, for the sustaining of his office, and he shall not have lot nor cavil with brother of our Gild.]

XXIV.

Ordinacio de sutore tannatore.

Statuimus ut nullus sutor debet tannare aliqua coria nisi quorum cornua et aures fuerint eiusdem longitudinis equalis. Et nullus tannator debet salsare aliqua coria.

[Ordinance anent shoemakers tanners.

We ordain that no shoemaker ought to tan any hides but such as have the horns and ears of equal length. And no tanner ought to salt any hides.]

XXV.

De aliena pecunia non mercanda.

Statuimus ut si quis confrater noster accipiat denarios alicuius mercatoris alienigene ad negociandum et de hiis super forum certum lucrum capiat de sacco lane uel lasta coriorum aut de pellibus uel aliis mercimoniis, condempnetur primo et secundo in. xl. solidis. Et si tercio super hoc conuictus fuerit amittet Gildam in perpetuum. Nisi Aldirmannus et confratres Gilde sibi gratiam concedere voluerint.

[Money of a stranger not to be traded with.

We ordain that if any brother of our Gild take money of a stranger merchant on commission, and of it take a certain profit above the market, of a sack of wool, or a last of hides, or for skins or other merchandise, he shall be fined for the first and second offence forty shillings. And if he be convicted of it a third time, he shall lose his Gild for ever, unless the Alderman and the brethren of the Gild be pleased to grant him pardon.]

XXVI.

Ordinacio super empcione allecium et piscium.

Item statuimus quod nullus emat allec [nec] pisces aliquos qui per nauim deferuntur ad villam antequam nauis iaceat super siccam terram et

remus foris mittatur. Nec aliqua alia mercimonia scilicet de blado, fabis, pisis, uel sale. Et si quis conuictus fuerit super hoc dabit vnum dolium vini ad Gildam pro forisfacto aut per vnum annum et diem a villa euacuetur.

[Ordinance anent the buying of herring and fish.

Also, we ordain that no one shall buy herrings or other fish which are brought by ship to the town until the ship be on dry land and the oars taken out. Nor any other merchandise, such as corn, beans, pease, or salt. And if any one be convicted thereof, he shall give to the Gild a cask of wine as forfeit, or be expelled the town for a year and a day.]

XXVII.

Ordinacio quod nullus neget vicino suo partem de hiis subscriptis.

Item si quis emerit allec, sal, bladum, fabas, aut pisas ad naues uel aliquod de consimilibus mercimoniis non negabit vicino suo partem quantum voluerit emere ad cibum suum ad sustentacionem domus sue pro foro quod ille emerit. Sin autem condempnabitur in suo plenario forisfacto vnius dolii vini ad Gildam. Et similiter qui emerit plus quam ad cibum suum et vendiderit eadem pena puniatur quia dixit se tantum ad cibum suum emere et super hoc partem petierit et optinuerit. Et quod quarta pars tocius rei empte semper remaneat emptori. Et quod soluat infra bordam cum optinuerit rem emptam.

[Ordinance that no one refuse to his neighbour a part of the things underwritten.

Also, if any one shall have bought herring, salt, corn, beans, or pease at ships, or other like merchandise, he shall not refuse to his neighbour as much as he may wish to buy for food to sustain his household, at the price at which he himself bought. Otherwise he shall be condemned in his full forfeit of a cask of wine to the Gild. And, in like manner, he who shall buy more than for his

foòd, and shall sell the same, shall be punished with the same penalty, because he said that he bought for his food only, and on that ground asked a part and had it. And that the fourth part of the whole thing bought always remain with the buyer. And that he pay on board ship whenever he has had delivery of the thing bought.]

XXVIII.

Constitucio de arris datis mercatori.

Item si quis emerit allec uel alia predicta mercimonia et dederit denarium dei uel aliquod argentum in arris, pacabit mercatori a quo predicta emerat secundum forum prius factum sine felling uel herlebreking et si non fecerit et in hoc conuictus fuerit dabit vnum dolium vini ad Gildam aut a villa per annum et diem euacuetur.

[Ordinance concerning arles given to merchant.

Also, if any one buy herrings or other merchandise foresaid, and give God's penny or any silver in arles, he shall pay to the merchant from whom he bought the said merchandise according to the rate before agreed upon, without felling or herlebreaking. And if he do not, and be convicted thereof, he shall give a cask of wine to the Gild, or be expelled the town for a year and a day.]

XXIX.

Constitucio de mercatura bona super et deteriore subquam.

Item statutum est si contigerit quod emptor alicuius rei viderit aliquod mercimonium quod bonum sit supra et deterius subquam emendare debeat venditor rei per visum et consideracionem proborum hominum ad hoc assignatorum.

[Ordinance concerning merchandise good above and worse below.

Also it is ordained, that if it happen that the buyer of any thing shall discover any of his purchase to be good above and worse below, the seller of the thing ought to amend it at the sight and consideration of honest men appointed to that effect.]

xxx.

Item statutum est quod nullus carnifex donec voluerit officium exercere emat lanam aut coria nisi velit abiurare suam securim et quod manum suam bestiis non apponat.

[Also, it is ordained that no butcher, as long as he chooses to practise his trade, buy wool or hides, unless he will abjure his axe and swear that he will not lay his hand upon beasts.]

xxxi.

Quomodo Broccarij eligi debent.

Statuimus quod Broccarii sint electi per visum communitatis ville Berwici qui dabunt singulis annis vnum dolium vini communitati ville predicte ad festum sancti Michaelis sine vlteriori dilacione. Et nomina eorum per commune consilium inbrcuientur.

[In what manner brokers should be chosen.

We ordain that brokers should be elected at the sight of the community of the town of Berwick, and they shall give a cask of wine to the community of the town yearly, at the feast of St Michael without longer delay. And their names shall be minuted by counsel of the community.]

xxxii.

Constitucio de regratariis quod non emant ante certam horam.

Statuimus etiam quod nullus regratarius emat pisces, fenum, auenas, caseum uel aliquod aliud quod ad Burgum differatur vendendum ante pulsacionem campane in berfredo. Et si quis vero contra hanc prohibicionem nostram venire presumpserit, res empta capiatur et secundum considerationem Balliuorum nostrorum pauperibus ville erogetur.

[Ordinance anent regraters that they buy not before a certain hour.

We ordain also that no regrater buy fish, hay, oats, cheese, or any other thing which is brought to the burgh for sale before the ringing of the bell in the

belfry. And if any person presume to go against this our prohibition, the thing bought shall be taken and distributed among the poor of the town, according to the discretion of our Bailies.]

XXXIII.

Constitucio de mercimoniis emendis.

Statuimus insuper quod nullus emat aliqua mercimonia que ad Burgum differantur ad vendendum super pontem de Twede neque in Briggate neque extra portas ville antequam ad forum Burgi perueniat. Et si quis super hoc conuictus fuerit rem emptam amittet et commodum illius ad Gildam nostram vertatur.

[Ordinance concerning the buying of goods.

We ordain, moreover, that no one buy any goods which are brought to the Burgh for sale, on the Bridge of Tweed, nor in Briggate, nor without the ports of the town, till it arrive at the market place of the Burgh. And if any one be convicted of this he shall forfeit the thing bought, and his profit shall be applied to our Gild.]

XXXIV.

Constitucio facta de lana et de corio venientibus ad villam.

Item statuimus quod nulla mulier virum habens emat lanam in vico nec aliquis burgensis habeat tantummodo vnum garcionem ad lanam uel coria emenda. Et si quis irrationabiliter emat lanam uel coria vltra statutum mercatorium in deteriorationem communitatis ville dicta lana vel coria capiantur et ad commodum Gilde vertantur et dictus homo uel garcio sit in forisfacto viij. solidorum.

[Ordinance anent wool and hides coming to the town.

We ordain also that no woman having a husband shall buy wool in the street; nor shall any burgess have more than one servant to buy wool or hides. And if any one shall unreasonably buy wool or hides beyond the appointed market

place, to the prejudice of the community of the town, the said wool or hides shall be taken and applied to the profit of the Gild, and the said man or servant shall be fined eight shillings.]

XXXV.

Constitucio quod nullus procuret forinsecum pro eo placitare contra vicinum suum.

Item ordinamus et stricte precipimus quod nullus comburgensis noster procuret aliquem forinsecum extra libertatem nostram manentem ad placitandum pro ipso contra aliquem vicinum suum super plenariam forisfacturam vnius dolii vini sine fauore vel prece leuandi.

[Ordinance that no one shall procure a stranger to plead for him against his neighbour.

Also, we ordain and strictly charge that no fellow-burgess of ours shall procure any one from without, dwelling beyond our liberty, to plead for him against any of his neighbours, under the full forfeit of one cask of wine to be levied without favour or prayer.]

XXXVI.

Constitucio facta de conspiratoribus.

Item statuimus si aliquis faciat conspirationem aliquam retro communitatem ad eam separandam vel spergendam et super hoc conuictus fuerit dabit vnum dolium vini ad forisfactum.

[Ordinance made anent conspirators.

Item, we ordain that if any one shall make any conspiracy against the community to separate or scatter it, and of this be convicted, he shall give a cask of wine as forfeit.]

XXXVII.

Constitucio facta de gubernacione communitatis Berwici.

Statuimus insuper per commune consilium quod communia de Berwico gubernentur per xx. iiij. probos homines de melioribus et discretioribus

ac fidedignioribus eiusdem Burgi ad hoc electos vna cum maiori et quatuor prepositis. Et quandocunque predicti xx. iiij. homines fuerint citati ad commune negocium tangendum, qui non venerit ad citacionem sibi factam ultra noctem dabit duos solidos ad Gildam.

[Ordinance made concerning the government of the community of Berwick.

We ordain, moreover, by common consent, that the community of Berwick shall be governed by twenty-four good men, of the better, more discreet, and more trustworthy of that Burgh, thereto chosen, together with the Mayor and four bailies. And whensoever the said twenty-four men are summoned to treat concerning the common business, he who comes not at the summons before night shall give two shillings to the Gild.]

XXXVIII.

Constitucio de electione maioris et prepositorum.

Item statuimus quod maior et prepositi eligentur per visum et consideracionem tocius communitatis. Et si aliqua controuersia fuerit in electione maioris uel prepositorum fiat tunc electio eorum per sacramenta xx. iiij. proborum hominum predicti Burgi electorum ad eligendum vnam personam ad dictam communitatem regendam.

[Ordinance anent the election of the Mayor and Bailies.

Item, we ordain that the Mayor and Bailies shall be chosen at the sight and by the consideration of the whole community. And if any controversy be in the election of the Mayor or Bailies, then their election shall be made by the oaths of twenty-four good men of the said Burgh, elected to choose one person to rule the said community.]

XXXIX.

De consilio ostenso contra sacramentum.

Statuimus insuper si aliquis Burgensis contra sacramentum suum prestitum consilium uel secreta Gilde nostre ostendere presumpseitt prima vice secundum considerationem Aldirmanni et aliorum fidedignorum Gilde nostre puniatur. Si vero secunda vice in tali casu deliquerit

libertatem Burgi nostri per annum et diem amittet. Et si tercia vice super talia conuictus fuerit libertatem Burgi amittet pro termino vite sue. Et sciendum est vltra quod infra illud Burgum nec in aliquo alio infra regnum amplius libertatem gaudere de iure non poterit. quia infamis reputatur.

[Of the revealing of counsel against the oath.

We ordain, moreover, that if any burgess contrary to his oath shall presume to reveal the counsel or show the secrets of our Gild, the first time he shall be punished according to the consideration of the Alderman and other trustworthy men of our Gild. But if he offend in like sort a second time he shall lose the liberty of our Burgh for a year and a day. And if he be convicted a third time of such offence, he shall lose the liberty of the Burgh for all his life. And be it known further, that he shall not, within that Burgh, nor in any other Burgh within the realm, be any more lawfully able to enjoy freedom because he is reputed infamous.]

XL.

Constitucio facta de cyrotecariis et pelliparíis de pellibus lanutis.

Item statuimus quod nullus pelliparius aut cyrotecarius aut aliquis alius Burgensis faciat lanam de aliquibus pellibus a festo Pentecostis vsque ad festum Sancti Michaelis set vendat pelles quales fuerint secundum quod melius poterit. Et si aliquis pelliparius uel cyrotecarius super contrarium conuictus fuerit ab officio suo per vnum annum et diem depriuetur. Et si aliquis Burgensis contrarium fecerit et super hoc conuictus fuerit quociens esset dabit vnum dolium vini ad Gildam.

[Ordinance made concerning glovers and skinners.

Also, we ordain that no skinner, nor glover, nor any other burgess make wool of any skins from the feast of Whitsunday till the feast of St Michael, but he shall sell the skins as they are and as he best may. And if any skinner or glover be convicted of breaking this ordinance, he shall be deprived of his craft for a year and a day. And if any burgess break the ordinance and thereof be convicted, for each offence he shall give a cask of wine to the Gild.]

XLI.

Constitucio facta de allecibus et de modo empcionis eorumdem.

Item statuimus ut quicunque Burgensis emerit allec omnes vicini sui quicunque presentes fuerint ad empcionem dictorum allecium habebunt pro eodem precio quo ipse emit sine aliqua fraude. Et si quis voluerit partem habere qui ad empcionem dictorum allecium presens non fuerat dabit emptori ad lucrum xij. denarios. Et si quis conuictus fuerit de contrario dabit vnum dolium vini ad Gildam. Et si quis non satisfecerit venditori dictorum allecium de solucione pecunie sibi debite et super hoc conuictus fuerit similiter ipse dabit vnum dolium vini ad Gildam. Et hoc intelligendum est de confratribus Gilde et non de aliis.

[Ordinance made touching herrings, and the mode of buying the same.

Item, we ordain that whatsoever burgess shall buy herring, all his neighbours who were present at the buying of the said herring shall have for the same price at which he bought, without any fraud. And if any one who was not present at the purchase of the said herring would have a part, he shall give to the buyer for his profit twelve pennies. And if any one shall be convicted in the contrary, he shall give one cask of wine to the Gild. And if any one fail to satisfy the seller of the said herring about payment of the money due, and shall thereupon be convicted, he shall likewise give one cask of wine to the Gild. And this is to be understood of the brethren of the Gild and not of others.]

XLII.

A.D. MCC.LXXXI.

Constitucio facta de tractagio vini.

Item statutum fuit die Mercurii proxima ante festum sancti Marci Anno domini m° cc° iiij^{xx} primo. quod quilibet Burgensis dabit plenum tractagium pro quolibet dolio vini quod ponit in tabernam et quod ponit in nauem et extra. Pro dolio remouendo de vno sellario ad alterum dabit

duos denarios et obolum. videlicet vnum denarium ville et denarium et obolum pro Beriuagio. Et pro uno dolio ad potum suum dabit denarium pro Beriuagio.

[Ordinance made concerning the carriage of wine.

Also, it was ordained on Wednesday next before the feast of St Mark, in the year of our Lord 1281, that every burgess shall give full drawage for every cask of wine that he places in his booth, and that he puts on board ship or out of ship; for removing a cask from one cellar to another he shall give two pence and one halfpenny, that is to say, one penny to the town, and a penny and a halfpenny for drink money. And for a cask for his own drinking he shall give a penny for drink money.]

XLIII.

De auenis venientibus burgo vendendis.

Item statutum fuit in Ecclesia sancti Nicholai in crastino sancti Cuthberti proximo sequente anno supradicto quod nulla mulier emat in foro auenas ad faciendum braseum ad vendendum plusquam vnam celdram. Et si plus emerit amittet quantum emerit. Et sciendum est quod tercia pars remanere debet Balliuis Burgi et residuum ad Gildam.

[Concerning oats coming into the Burgh for sale.

Also, it was ordained in the Church of St Nicholas, on the morrow of Saint Cuthbert next following, in the year aforesaid, that no woman buy in the market oats to make malt for sale more than one chalder. And if she buy more, she shall forfeit all that she buys. And be it known that the third part should go to the bailies of the Burgh, and the remainder to the Gild.]

XLIV.

A.D. MCC.LXXXIII.

Constitucio facta de carnificibus animalia ementibus.

Item statutum fuit die Mercurij in vigilia apostolorum Symonis et Jude Anno M.CC.LXXXIII. quod nullus carnifex a festo sancti Martini vsque ad Natale debet ire extra villam ad obuiandum bestiis venientibus ad villam vendendis nec aliquo die infra dictum tempus bestias emere in foro ante

prandium nec in fraude procurabit sibi bestias vsque post prandium teneri. Et si quis vero contrarium fecerit ab officio suo per annun et diem exponatur.

[Ordinance anent butchers buying beasts.

Also, it was ordained on Wednesday, in the vigil of the apostles Simon and Jude, in the year 1283, that no butcher ought to go beyond the town to meet beasts coming to the town to be sold, from the feast of St Martin till Christmas; nor ought he to buy beasts in the market before dinner on any day within the same time, nor should he fraudulently procure beasts to be kept for himself until after dinner. And if any do in the contrary he shall be deposed from his trade for a year and a day.]

XLV.

Constitucio de corio tannato.

Item statuimus quod nullus extraneus ferens coria tannata ad vendendum vendat ea infra domum set in foro communi et hoc tantum per diem fori statutum. Et licet coria fuerint cesa in frusta dabit tolloneum.

[Ordinance regarding barked hides.

Item, we ordain that no stranger bringing barked hides for sale shall sell them within house but in the common market, and that only upon the appointed market day. And though the hides shall have been cut in pieces he shall pay custom.]

XLVI.

Constitucio de molis manualibus.

Item nullus habeat nisi duo paria molarum et qui plura habuerint a molis suis per vnum annum et diem priuentur.

[Ordinance anent hand mills.

Item, no one shall have but two pair of mills, and they who have more shall be deprived of their mills for a year and a day.]

XLVII.

A.D. MCC.LXXXIV.

Constitucio de congregacione communitatis pro communi negocio.

Item ordinatum fuit die Sabbati proximo post festum sancte Trinitatis anno Domini. m°. cc°. octogesimo quarto quod quandocunque Aldirmannus et Ferthingmanni propter commune negocium tractandum voluerint confratres Gilde congregari campana per vices pulsata in berfredo scilicet primo, secundo, et tercio, debet per interualla pulsari. Et quicunque confrater Gilde hoc audierit et ad locum congregationis possit accedere et noluerit venire antequam a pulsacione cessatur sit in misericordia xij. denariorum.

[Ordinance concerning the assembling of the community for common business.

Item, it was ordained on the Saturday next after the feast of the Holy Trinity, in the year of our Lord 1284, that whenever the Alderman and Ferthingmen desire the brethren of the Gild to be assembled for treating of common affairs, the bell should be rung at intervals in the belfry, to wit once, twice, and thrice. And whatever brother of the Gild shall hear it, and shall be able and come not to the place of assembling before the bell has stopt ringing, shall be amerced twelve pennies.]

XLVIII.

Constitucio de Loth et Cauyl.

Item die Jouis proximo ante festum beati Mathei apostoli Anno domini m°. cc°. iiij^{xx}. iiij^{to}. ordinatum fuit quod nullus confrater Gilde nostre debet habere lotte neque cauyl cum alio in minori quam dimidio quarterio pellium et dimidia dacra coriorum et in duabus petris lane.

[Ordinance concerning lot and cavil.

Item, on Thursday next before the feast of St Matthew the Apostle, in the year of our Lord 1284, it was ordained that no brother of our Gild ought to have lot or cavil with another in less than a half quarter of skins, and half a dakir of hides, or in two stones of wool.]

XLIX.

A.D. MCC.XCIV.

De empcione fabarum et pisarum vel similium ad naues.

Prima curia tenta die Jouis ante festum Penthecostes anno Domini m°. cc°. nonogesimo quarto in aula fratrum ordinis sancte Trinitatis statutum et ordinatum per vnanimem concensum et assensum expressum et voluntarium omnium fratrum Gilde quod nullus emat aliquod genus bladi, fabarum, pisarum, salis, carbonum, seu cetera venalia apud Berwicum venientia per mare nisi sit ante bordam nauis videlicet *at the Rade bra*, nec portet dicta bona empta de naue ante ortum solis set ab ortu vsque ad declinacionem solis fiat portagium sine requie. Et si quis huius rei contrarium fecerit et super hoc conuictus fuerit dabit vnum dolium vini fratribus Gilde.

[Of the buying of beans and pease or such like at ships.

At the first court held on Thursday before the feast of Whitsunday, in the year of our Lord 1294, in the hall of the friars of the order of the Holy Trinity, it was declared and ordained with the unanimous consent and assent express and voluntary of all the brethren of the Gild, that no one buy any kind of corn, beans, pease, salt, coals, or other merchandise coming to Berwick by sea, unless it be at the ship's side, that is at the Rade bra, nor carry the said goods bought from the ship before sun rising, but the carrying thereof shall be from the rising to the setting of the sun without rest. And he who does in the contrary, and thereof shall be convicted, shall give a cask of wine to the brethren of the Gild.]

L

De amerciamentis leuandis confratribus Gilde.

Item ordinatum fuit eodem die per assensum et consensum omnium fratrum Gilde in aula predicta in crastino sancti Mathei anno supradicto, Quod omnia merciamenta capta ab extraneis mercatoribus pertinere debent fratribus Gilde et Burgensibus ville exceptis illis que pertinent ad dominum Regem que sibi de iure sunt reseruata.

[Of levying fines for the brethren of the Gild.

Also, it was ordained on the same day, by the assent and consent of the whole brethren of the Gild in the foresaid hall, on the morrow of St Matthew, in the year above written, that all amercements taken from stranger merchants ought to belong to the brethren of the Gild and to the burgesses of the town, except those which pertain to our Lord the King, which are reserved to him by law.]

LI.

Constitucio facta de Burgense forishabitante.

Item eodem die ordinatum est ex assensu et consensu predictorum confratrum Gilde quod nullus Burgensis vel confrater Gilde nostre forishabitans audeat nec presumat aliqua mercimonia ad Gildam nostram pertinentia infra Burgum nostrum emere vel vendere nisi tantum in die fori. Et quod nullus forishabitans emat aliqua victualia ad Burgum nostrum per naues venientia ad tabernanda nisi tantum ad sustentacionem domus sue. Et si quis contrarium fecerit et super hoc conuictus fuerit dabit vnum dolium vini ad Gildam nostram.

[Ordinance anent burgesses dwelling beyond the Burgh.

Item, on the same day, it is ordained with the assent and consent of the said brethren of the Gild, that no burgess or brother of our Gild dwelling beyond the burgh shall dare or presume to buy or sell within our burgh any merchandise pertaining to our Gild, except only upon the market day. And that no burgess dwelling beyond the burgh shall buy any victual coming to our burgh in ships to sell in retail, but only for the sustentation of his house. And if any one shall do in the contrary, and shall thereupon be convicted, he shall give a cask of wine to our Gild.]

REGIAM MAIESTATEM.

[CERTAIN LAWS CONCERNING BURGHS FROM THE BOOK OF REGIAM MAGISTATEM.]

REGIAM MAIESTATEM.

Lib. II. c. ix.

Quibus modis de seruitute ad libertatem peruenitur.

Pluribus autem modis potest quis in villenagium positus ad libertatem produci . . . . . Si natiuus seruus cuiuscunque fuerit seruus quiete per vnum annum et vnum diem in aliqua villa privilegiata sicut in burgo domini regis manserit scilicet in eorum communia vel gilda tanquam burgensis sine calumpnia domini sui vel alterius nomine suo scilicet balliui eo ipso facto a iugo seruitutis liberabitur . . . . .

Be what way ane man may come fra servitude to libertie.

Divers and sundrie waies ane bond man may be made frie. . . . . Gif ane natiue bondman, whais bond that ever he be, remaine quietlie the space of ane year and ane day, in anie privileged toun (sic as the king's burgh in their communitie or gild) and is not challenged be his maister, nor be nane in his name, sic as his baillie or steward, in that case he sal be frie and delivered fra bondage.

xxxv.

De heredibus burgensium.

Heredes burgensium etatem dicuntur habere cum nummos discernere nouerint et pannos ulnare et alia negocia paterna similia exercere.

Anent the heirs of burgesses.

The heire of ane burges, is of perfite age, when he can number and tell silver, or measure claith with ane elwand, or doe other his fathers busines and affairs.

QUONIAM ATTACHIAMENTA.

LIBER DE ATTACHIAMENTIS

ALITER DICTUS LEGES BARONUM.

[THE LAWS OF THE BARONS
IN SO FAR AS CONCERNS THE BURGHS.]

QUONIAM ATTACHIAMENTA.

XL.

De breui de recto [in burgo].

Breué de recto in burgo habet talem processum :—Robertus* dei gracia etc., preposito et balliuis burgi talis salutem mandamus vobis etc.—Primo presentatur tale breue balliuis in plena curia et visis literis indilate prepositi appereant breue ita quod aliquantulum sigilli fine pendeat et adhereat caude breuis. Et postea incontinenti legatur breue quo lecto prepositi ad requisicionem et mandatum partis breue presentantis precipiant bedello quod assumptis secum testibus personaliter adeat ad domum deforciantis et ipsum summoneat quod illo die et nominetur dies

[Concerning Brieves of right.

The Brieve of right in Burgh hes this forme of proces :—

Robert, by the grace of God, etc., to the Provost and Bailies of such Burgh, greeting. We command you, etc.†

First, such brieve is presented to the bailies in plane Court, and the letters being seen, the bailies shall, incontinent open the samine, in sic maner, that a small peece of the seale shall hing, and stick at the tag of the brieve. And thereafter incontinent, the brieve shall be red, whilk being red, the bailies, at the desire and mandate of the partie, presenter of the brieve, sall give command to the sergent, that he with witnes shall personally pass to the dwelling-house of

* In several of the MSS. this style runs in name of *Alexander Dei Gratia Rex, etc.*

† See the remainder of the Form of Breive of Right in article 57, infra.

ad quindenam sit coram preposito et balliuis illius burgi in botha sua vel ad crucem fori vel vbicunque sederint ad respondendum tali viro nominato et breui regio de recto per ipsum impetrato et presentato super tali terra siue tali redditu contentis in dicto breui et super hoc habeat testimonium duorum testium fidelium et proborum. Aduenientе vero die quindeno pars prosequens compareat in curia et petat partem suam et faciat eum vocari per bedellum ter vel quater ad minus. Et si compareat calumpniat eum in forma iuris. Et si fecerit se essoniari aliter quam per infirmitatem lecti aut per seruicium domini regis vel per transitum ad nundinas pars prosequens vel eius prolocutor arrectet essonium illud tanquam nullum quia aliter quam per essonia illa non potest essoniari legaliter. Et dicat essonium illud esse contra ius commune in burgo ideo nullum est quare videtur michi quod ipse est in defectu et sic videtur michi quod ego deueni ad prosecucionem meam et de hoc peto iudicium istius curie per meam allegacionem. Faciat eciam prosequens quolibet die curie summoniciones probari legaliter et in curia irrotulari siue se essoniet deforcians siue defectum fecerit. Et

the committer of the force and summone him that on a particular day—and a day shall be named within fiftene dayes—he shall compeir before the provost and bailies of that burgh, in their booth, or at the market cross, or where they sall happin to sit, to answere to such person named, and the king's brieve of richt, impetrat be him, and presented anent sic land, or sic rent conteined in the said brieve,—and heiranent sall have the testimony of twa leill and trew witnes. And the fiftene day being come, the persewer compeirand in the Court, sal call for his partie, and sall cause him to be called be the sergent, thrise or foure times, at the least. And gif he compeirs, he sall persew him in forme of law. And gif he uses any essonzie, bot onely be reason of bed evill and infirmitie, or of the king's service, or be passing to a faire, the persewer, or his prelocutor, sal alledge that essonzie to be null, because he cannot be lawfully essonzied bot by these essonzies. And he sall alledge that essonzie to be contrare to the common law within borgh, and therefore to be of nane availl, [saying] Wherefore it seems to me that he is in ane default, and thus it appears to me that I have my cause, and on that account I ask the interlocutour of this Court, upon this my alledgeance. Mairover, the persewer sall cause the summons ilke day of the Court to be lawfullie verified, and to be enrolled in the Court, whether the committer of the force uses essonzie, or makes default. And

sic faciat pars prosequens in omnibus per tres dies placitorum. Quarto vero die si compareat calumpnietur hoc modo per prolocutorem prosequentis. Roberte qui ibi stas Johannes qui hic stat dicit tibi et ego ex parte sua quod tu ei iniuste deforcias quandam particatam terre vel peciam terre cum pertinenciis iacentem infra talem burgum inter terram talis ex parte orientali ex parte vna et terram talis ex parte occidentali ex parte altera in vico nuncupato sic prout dictum breue domini regis in se plenius proportat vel talem suum redditum annuum debitum de tali terra iacente in tali burgo inter terram talis ex parte tali ex parte vna et terram talis ex parte tali ex parte altera de qua vel de quo R. auus suus vel pater suus seu vnus de antecessoribus suis obiit vestitus et saisitus vt de feodo et sic fuit de iure et libero burgagio in tempore talis regis cuius nomen nominetur. Et si sit annuus redditus tunc dicetur quod talis auus vel alius de antecessoribus suis cepit talem annuum redditum per annos et dies ad tales terminos viz. medietatem vnam ad festum Penthecostes et medietatem aliam ad festum sancti Martini post decessum cuius dicta particata terre cum pertinenciis vel pecia terre siue annuus redditus descendit seu descendere debet de iure hereditario dicto Johanni

the persewer sall doe the samine, in every respect, at ilke day of thrie Courts. And gif he compeirs on the fourt day, he sall be challenged, in this manner, be the prolocutor of the persewer.—Thou Robert wha stands there, John wha stands heir, sayes to thee, and I for his part, that thou unjustlie deforces ane rude of land, or peece of land, with the pertinents, lyand within sic borgh, betwix the land of sic ane man, at the east, upon the ane part, and the land of sic ane man at the west, on the other parte, in the vennell called be sic ane name, as the said brieve of the king in itselfe at mair lenth beares, [or sic ane annuell rent, due to him, forth of sic ane land, lyand within sic ane borgh, betwix the land of sic ane man, on the ane parte, and the land of sic ane man, on the other parte] in the whilk land R., his grandfather, or his father, or ane uther of his predicessours, died vest and saised as of fie, and so was of richt, and in frie burgage, in tyme of sic ane king, whais name sall be named. And gif it be ane annuell rent, then he shall say: That such his grandfather, or ane uther of his predecessours, take up the whilk annuell rent be yeares and dayes, at sic termes: that is the ane half at the feast of Whitsunday, and the other halfe at the feast of St Martin, after whais deceis the said rude of land, with the pertinents or the peece of land, or annuell rent, descends or should descend,

tanquam proximiori heredi filio fratri seu sorori quem vel quam tenere clamat hereditarie de domino rege tali nomine et heredibus suis reddendo inde annuatim sibi tantum ad talem terminum et tantum ad alium terminum vnde eum deforciasti pudorificasti et damnificasti ad montanciam talis summe argenti. Et si tu sis talis homo qui hoc negas idem Johannes precatur prepositum et balliuos curie sibi facere iusticiam.

Aduersarius sic habet respondere: Domine balliue Robertus qui hic stat iniuriam et iniustum deforciamentum ac ius dicti Johannis in dicta particata terre vel pecia terre siue in tali annuo redditu cum pertinenciis de verbo ad verbum negat. Et petat tunc breue ad consulendum sibi in premissis et tunc recepto breui exeat a curia et consulat se. Et cum reintrauerit negare debet sicut prius et indilate suas excepciones proponat vel contra breue vel contra personam impetrantis vel potest petere visum terre, sinautem oportet eum trahere ad warantum ad diem et terminum.

heretablie to the said John or narrest heire, sonne, brother, or sister; the whilk land or rent, he claimes heretablie to be halden of the king of sic ane name, and his heires, payand to him yearlie sameikill at sic ane terme and sameikill at the uther terme, whereof thou hes deforced, shamed and defamed him, to the amount of sic ane summe of silver. And gif thou be sic ane man that will deny this, the said John, persewer, prayes the provost and bailies to doe justice to him in Court.

The party adversar shall answere in sic ane maner: My lord bailie—Robert, wha stands heir, denyes word by word the wrang and unjust deforcement, and all richt of the said John in the said rude of land, or in the peece of land, or in the said annuell rent, with the pertinents. And then he sall aske the brieve, to be advysed in the premisses, and then hauand receaved the brieve, he sall pass out of the Court and seik counsell. And when he enters againe, he should deny, as of before, and without delay he shall propone his exceptions, contrare the brieve, or against the person of the persewer, or he may craue the sicht of the ground, or on the contrary he may put off till a day and terme to call his warrant.

LVII.

Forma breuis de recto [in burgo].

Rex tali vicecomiti et balliuis suis salutem mandamus etc. quatenus plenum rectum teneri faciatis tali de terra de tali loco cum pertinenciis

in tenemento de K. infra balliam vestram quam de nobis tenere clamat hereditarie. Reddendo inde nobis hereditarie talem summam et faciendo forinsecum seruicium et auxilium quantum pertinet ad dictam terram quam quidem terram cum pertinenciis B. de F. iniuste deforciat sicut dicit Tantum inde facientes quod pro vestro defectu [amplius inde justam queremoniam non audiamus].

[Form of the Brieve of right in Burgh.

The King, etc., to such a Sheriff and his bailies, greeting. We command that ye cause full right to be maintained to such one, of such lands, in such a place, with the pertinents in the tenement of K., within your jurisdiction, which he claims to hold heritably of us. Paying therefor heritably to us such a sum of money, and doing such forinsec service and aid as appertains to the said land, Which land, with the pertinents, B. of F. unjustly deforces as he says. So therein doing that for your default we hear no just complaint any more.]

LX.

Forma breuis lineacionis terre infra burgum.

Rex preposito et balliuis burgi de P. salutem mandamus etc. quatenus per meliores et fideliores burgenses dicti burgi magno iuramento iuratos iuste et secundum legem dicti burgi lineari faciatis terram de W. que est inter terram talis ex parte vna et terram talis ex altera in dicto burgo secundum rectas diuisas burgorum et veteres. Et sicut per dictos lineatores predicte diuise fuerint lineate ita eas de cetero obseruari faciatis etc.

[Form of the Brieve of lining land within Burgh.

The king to the Provost and Bailies of the Burgh of P. greeting. We command, etc., that by the best and most trustworthy burgesses of the said burgh, sworn by their great oath, ye cause to be lined justly and according to the law of the said burgh, the land of W. which is between the land of such one on the one part, and the lands of such one on the other, in the said burgh, according to the right boundaries of burghs and those of old used; and as by the said liners the foresaid bounds are lined, so ye cause them henceforth to be kept.]

CONSTITUTIONES NOUE PRO BURGENSIBUS.*

[I.]

De eo qui potest habere brascinam extra burgum.

Nullus extra burgum habeat brascinam nisi ibi quis habuerit furcam et fossam et ibi unam solam brascinam.

[Of him who may have a brewhouse beyond burgh.

No one without burgh shall have a brew house unless he there have pit and gallows, and there one brewhouse only.]

[II.]

Quod nullus faciat pannum tinctum nec tonsum extra burgum.

Nullus extra burgum faciat pannum tinctum nec tonsum, ultra misericordiam regis. Et si inveniatur capiatur ad opus domini Regis.

* These ordinances, corresponding with privileges granted to individual burghs by William the Lion, are found in a little capitular by themselves, engrossed in the Chartulary of Glasgow, of venerable antiquity, in a hand of the thirteenth century. No old translation is found.

Et de tinctore et de tonsore capiatur misericordia domini Regis, vel corpus eius si non habeat unde eam reddat.

[That no one make cloth dyed nor cut beyond burgh.

No one without burgh shall make cloth dyed or cut, on pain of the king's amercement unforgiven. And if such be found it shall be seized for the use of our lord the king. And of the dyer and the cutter shall be taken the king's amercement, or his body, if he have not whence he may pay it.]

[III.]

Quod transiens habeat pasturam extra prata et segetes.

Nullus vexet aliquem ducentem equum vel vaccas vel huismodi vel bladum, pascentem extra prata et segetes.

[That a traveller have pasture, saving meadows and corns.

None shall trouble one travelling with horse or cows or the like, or corn, if he pasture his beasts outwith meadow and standing corn.]

[IV.]

Ne balliui tabernas teneant.

Nullus balliuus domini Regis vel seruiens eius in burgo tabernam habeat, nec vendat panem nec faciat ad vendendum ultra misericordiam Regis.

[No bailies to hold taverns.

No bailie of our lord the king, nor any his servant shall have a tavern in burgh, nor sell bread, nor bake it for sale, on pain of the king's amercement unforgiven.]

ASSISA DE TOLLONEIS.

PARVA CUSTUMA QUE DICITUR LE TOL.

[OF PETTY CUSTOMS CALLED TOLL.]

ASSISA REGIS DAVID REGIS SCOTTORUM FACTA APUD NOUUM CASTRUM SUPER TYNAM PER TOTAM COMMUNITATEM SUAM SCOCIE TAM BARONUM BURGENSIUM QUAM ALIORUM DE TOLLONEIS ET CUSTUMIS BURGORUM.

[THE ASSIZE OF KING DAVID KING OF SCOTS MADE AT NEWCASTLE UPON TYNE BY HIS WHOLE COMMUNITY OF SCOTLAND, BARONS BURGESSES AND OTHERS, CONCERNING THE TOLLS AND CUSTOMS OF BURGHS.]

ASSISA DE TOLLONEIS.*

THE LAW OF CUSTOMS.

PARVA CUSTUMA QUE DICITUR LE TOL.

[OF PETTY CUSTOM CALLED TOL.]

I.

De custuma quadrigarum et trussellorum.

In primis de quadriga cum quatuor bobus iiij. d. De quadriga cum equis ij. d. Item de trussello retro sellam, ob: Item de trussello in sellam i. d. De trussello cordelato iiij. d. De trussello braciato uel attachiato i. d. De culcitra plumali iiij. d. De quissio, ob:

Of waynis and tursels.

Inprimis of a wayne of four oxyn iiii peniis. Of a wayne of four hors ij peniis. Of a tursel behind a sadyl a halfpeny. Of a tursel in a sadil a peny. Of a tursel befor a man iiij d. [Of a feather bed iiij d. Of a pillow a halfpenny.]

* In the MS. collections of ancient laws, there is much confusion of petty customs or proper burgal dues taken at the town gate, and the king's custom levied at ports on exports and imports.

II.

De custuma tymbriarum.

De tymbria wlpium cirogrillorum martinorum murelegorum sabinorum beueriorum uel similium de vnaquaque timbria ad exitum iiij. d. De timbria schorellorum ij. d. De mille de gris uel de scorello preparatis et coieratis, viij. d. De qualibet pelle de lutir, ob:

Of peloure.

Of a tymmyr of skynnis of toddis, quhytredys, mertrikis, cattis, beueris, sable, firrettis or swylk vthyr of ilk tymmyr, at the outpassing iiij d. Of the tymmyr of skurel ij d. Of ane hundreth gray gryse and skurel dycht and lotheryt viij d. Of ilk otyr skyn a halfpeny.

III.

De custuma bladi et tolloneo summarum equorum et fassiculorum hominum et de custuma fori de thurtuloneo animalium.

De vnaquaque celdra bladi uel farine brasei uel salis, i. d. De quarterio cuiuslibet, qdr. De quolibet sacco bladi farine, brasei uel salis ad exitum, qdr. De fascicula hominis bladi farine brasei uel salis si excedat bollam, qdr. ad exitum, si non excedat bollam nihil, idem erit de fabis et pisis. De summa panis uel poretorum in equo, ob: De fascicula in dorso hominis panis uel porretorum, qdr.; si autem portauerit huiusmodi super capud nihil soluet. De summa ollarum in equo, ob: De fascicula ollarum in dorso hominis, qdr. De summa casei uel butiri in equo, ob. ad exitum. De fascicula casei uel butiri in dorso hominis, qdr. De summa ferri in equo, i. d. De fascicula warencie, uel de madir, uel de walde in equo, i. d. De fascicula warencie uel de walde in dorso hominis, ob: De fascicula mercerie, qdr. et si aliquid vendat, ob. et si aperiat fasciculam in foro ad vendendum et nihil vendat dabit qdr. Si vna petia panni vendatur in foro nihil dabit ad custumam. Si vero scindatur in vlnis venditor dabit bedello burgi, ob:

Of corne salt and syk thyng.

Of ilk chaldre of corn mele or salt i d, of half a chaldre a halfpeny, of a quarter i farding. Of ilk sek of corne mele or salt or malt, and it excede a bol it sal gyf at the outegang a farding, and gif it excedis nocht it sal pay nocht.

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And swa it sal be of benys and pese. Of a sowme of lekys on a hors a halfpeny. Of a byrthyng on a manis bak of brede or lekys a farding; and gif he bere thaim on his hede he sal pay nocht. Of a soume of pottys on a hors a halfpeny. Of a byrthyng of pottys on a mannis bak a farding. For a burding of butter or cheese on a hors at the out passage a halfpeny. Of a byrthyng of cheese on a mannys bak or buttyr a farding. Of a soume of iryn i d. Of a soume of madyr or wauld on a hors i d. Of a byrthing of madyr or walde to sel a halfpeny. Of a byrthyng of mercery a farding, and gif ony thing thereof is sauld a halfpeny, and gif he opinis his birding in the market to sell and nocht sellis he sal gif a farding. Of a pece of clath sauld in the market nathyng salbe gevin to the custome bot gif be clath be schorne thrw the Aldyrmannys leve and be saulde be elnys the sellar sal gyf a halfpenny to the burow sergeand.

IV.

De custuma diuersarum bestiarum.

De vacca empta, ob: De equo empto, i. d. De quolibet equo empto non equitato transeunte de foro sine sella, ob: De quolibet boue uel vacca transeunte vbi custuma dari solet, qdr. De decem bidentibus, capris, uel porcis i. d. De v. uel iiij^{or} bidentibus capris uel porcis, ob: De iij. uel ij. bidentibus capris uel porcis, qdr. Si autem animalia predicta fuerint alicuius libere tenentis per cartam et forinsecum seruicium pro propriis suis vsibus nihil prestabit. Si autem vendere voluerit pro lucro dabit custumam ut predictum est de animalibus.

Of custome of bestys.

Of any ox boucht in the market a halfpeny. Of a kw a halfpeny. Of a hors a peny. Of ilk hors boucht and nocht rydin gangand out of the toun bot a sadil a halfpeny. Of ilk ox or kw gangand whar custome suld be gyfin a farding. Of ten schepe gayt or swine i d. Of four or five gayt schepe or swyne a halfpeny. Of twa or three gayte schepe or swyne a farding. And gyf thir bestis be of only fre haldand man with charter tyl his awyn oyse thai sal gyf nathyng. But gyf he wyl sel thaim thai aw custome on this wyse.

V.

De custuma coriorum lane et pellium lanutarum.

De lasta coreorum, viij. d. De qualibet dacra coreorum si vendantur per dacras, i. d. De dimidia dacra, uel iiij^{or} coreis, uel tribus uel duobus

coreis, ob: De vno coreo [per se, ob]: De vno coreo tanato, qdr. ad exitum. De lasta coreorum ceruorum, viij. d. De dacra de hyndecaluys, i. d. et ob: De vna lasta lane videlicet de x. saccis qui simul habuerit, viij. d. De vno sacco lane, iiij. d. De vna vaga lane, ij. d. De viij. petris vel vij. vel vj. lane, i. d. Et de quinque uel iiij^{or} uel iij. uel ij. uel de vna petra lane, ob: De vna petra lane tincte, ob: De c. pellibus lanosis, iiij. d. De lx. pellibus lanosis, ij. d. De bynda pellium de schorlingis scilicet xxiiij. i. d. De c. pellibus hogrellorum, ii. d. De c. pellibus agnorum, i. d. et ob: De c. pellibus caprinis uel leporinis, i. d. ob:

Of custome of hydis and skynnis.

Of a last of hydis viij d., of half a last iiij d., of ilk dakir of hydis sauld in dakir i. d., of half a dakyr or four or three twa hydys i halfpeny, of a hid at the oute passing a fardyng, of a last of hert hydys aucht peniis, of a dakyr of hynd calwis thre half peniis, of a last of wol that is to say for ten sekkys gaddryt togyddyr aucht peniis, of a sek of wol four peniis, of a waw of wol that is to say half a sek twa peniis, of aucht seven or sex stane of wol a peny, of five four thre or twa or ane stane of wol a half peny, of a stane of lyttyt wol a half peny, of a hundredth wol skynnys four peniis, of thre score twa peniis, of a bynde of skynnys of schorlyng that is to say twenty four a penny, of ane hundredth hog skynnys thre half peniis, of ane hundredth lam skynnys thre half peniis, of ane hundredth gayte skynnys or har skynnys thre half peniis.

VI.

De custuma allecium et piscium.

De lasta allecium, iiij^{or}. d. De mille allecibus, i. d. De c. salmonibus ad introitum nihil, ad exitum, iiij^{or}. d. De piscibus kelynge et lynge, hadok, de quolibet c. iiij. d. de exitu, et nihil de introitu. De mille de hadoch, uel de whyttinge, uel de codelinge, j. d. De summa equi de salmonibus, i. d. ad introitum. De summa equi cuiuslibet modi piscium uel allecium siccatorum ad exitum, i. d. De summa equi, moluel, hadoch, codelynge, wyttinge, uel ostriarum, uel cuiuslibet piscium posita ad vendendum detur pro stallagio fori, i. d. De summa equi cuiuslibet modi piscium ducta extra villam vbi custuma debetur,

i. d., preterquam de colmouth vnde debetur, ob: De fascicula piscium super dorsum hominis ad exitum, ob: De allecibus si per summam equi ducantur, pro mille allecibus, i. d. Et pro stallagio fasciculo cuiuslibet, ob: Item pro ix^{c}, uel pro viij^{c}, uel vij^{c}, allecibus, i. d. Item pro vj^{c}, uel v^{c}, uel iiij, ob: Item pro iij^{c}, uel ij^{c}. qdr. De lasta allecium recentium, iiij. d. De dimidia lasta, ij. d. Si ducantur per eum qui eam emit, set si ducantur ad portum maris per piscatorem nihil debetur pro allecibus set pro sua sede.

Of custome of heryng and fischis.

Of a last of heryng salbe payt to custome four peniis, of a thousand heryng a peny, of a hundredth salmond ar the entryng nathyng, bot at the furth passyng four peniis, of ilk hundredth fysch kelyng loyng or hadok at the entryng nocht, bot at the oute passyng four peniis, of a thousand haddockis or whytingis [or codlying] a peny, of a hors lade of salmonde at the entry a peny, of a hors some of ony other mannor of fysch or heryng dry, at the furth passyng a peny, and of a hors lad of kelyngis haddokis whytyngis or codlyngis or oystris, of sik maner of fysch put to sol for the stalage a peny, of a hors some led outo of the toun of sic maner of fysch a peny. Outane colemoth a half peny, of a byrthyng of fysch on a mannys bak at the furth passyng a half peny, of a thousand heryng and thai be led on a hors a penny, for ilk byrthyng for the stalange of the market a half peny, and for nine aucht or seven hundreth heryng a peny, for sex five four thre twa or ane hundredth heryng a fardyng. Item for a last of fresche heryng four peniis. Item half a last twa peniis and gyf thai be led thrw the byar that byis thaim, bot gyf thai be led to the havyn with the fyschar he sal gyf nathyng for the heryng, bot for his set.

VII.

De custuma aueriorum ponderis.

De brasil ad introitum nihil dabit, set de c. de brasil ad exitum, ij. d. De cera ad introitum nihil dabit, set de qualibet uaga cere ad exitum, vij. d., si ponderetur per petras qualibet petra debet pro custuma ad exitum, i. d. De carca scilicet bale piperis, cemini, uel alumpni, zynzeberis, setcuale, amigdalorum, uel risarum, aut talium consimilium nihil ad introitum, set de qualibet carca scilicet bale, iiij. d. ad exitum.

De poketa alumpni ad exitum, ij. d. De c. libris piperis et cuiuslibet modi predictorum, ij. d. De quibuscunque c. libris aueriorum ponderis de quolibet c. per se ad exitum, ij. d. et pro quolibet c. libris quando uenduntur, pro custuma fori, ij. d. De c. ferri, ij. d. De quadriga plumbi videlicet de xxiiij. fotemalis, iiij. d. De vaga cepi uel vncti, i. d.

Of custome of merchandise.

Brasyl at the entryng aw nathyng, bot at the outgang ilk hundredth of brasyll sall pay twa peniis, and of wax at the entre nathyng, bot of ilk waw at the outo passyng aucht peniis gyf it be weyit be wawys, and gif it be weyit be stanys of ilk stane at the furth passyng a peny for custome. Of karkys or balys of peper, coymn, alom, gynger, setwell, almondis, or ris fygys rasynys or vthir syk thyng at the entre nocht, bot of ilk bale at the furth passyng four peniis, of a pokat of alom at the furth passyng twa peniis, of ilk hundredth pund peper or of vthir syk thyng forsaid twa peniis, and of al maner of thingis of awyr de paiis, of ilk c. pund at the outgang twa peniis, and for ilk hundreth gyf it be sald of custom twa peniis, and for the custome of the market twa peniis, of a hundreth iryn twa peniis, of a wayne wyth lede that is to say xxiiij fotmellis four peniis, of a waw of grese sayme or oyle a peny.

VIII.

De custuma canubii retium filorum meremni et cultellorum.

De c. canubij, j. d. De c. taysis de rethibus ad introitum, ij. d. De c. libris filorum pro rethibus faciendis, ob: De c. libris linei, ob: De c. bordis, iiij^{or}. d. De c. de cheueronys, iiij. d. De c. cultellis, ob:

Of the custome of cannes kellis threde burdis and knyfys.

Of a hundreth cannes a peny, of a hundreth karkes of kellis at the entryng twa peniis and at the furth passyng twa peniis, of a hundreth pund of threde to mak

kellis a half peny, of a hundreth pund of lynyn threde a half peny, of a hundreth burdis of tymmer four peniis, of a hundreth cheueronys four peniis, of a hundreth knyfys a half peny.

IX.

De custuma de cordewane, baterie.

De duodena de cordewane nihil ad introitum, set ad exitum, iij. d. De iiij^{or} uel tribus pellibus, i. d. De ij. pellibus, ob: De vna pelle, nihil. De duodena patellarum baterie ad exitum, ij. d. et nihil ad introitum. De duodena cacaborum ad exitum, iij. d. et nihil ad introitum. De dimidia duodena cacaborum, i. d. ob: De tribus cacabis, i. d. De duobus cacabis, ob: De duodena ollaram enearum, ad exitum, iij. d., et nihil ad introitum. De duodena serurarum, ob:

Of the custome of cordwan.

Of a dusane cordwan skynnys at the entryng nocht, bot at the furth passyng four peniis, of four or thre cordwane skynnys a peny, of twa a half peny, of ane nathyng, of a dusane of pannys of battry at the furth passyng twa peniis, at the entryng nocht, of a dusane of caldronys at the outgang thre peniis, and nocht at the entre, and of half a dusane of caldronis thre half peniis, and of thre caldronys a peny, of twa a half peny, of a dusane brasyn pottys at the furth passyng thre peniis, and of a dusane of lokkys a half peny.

X.

De cepis [et custuma] alleorum calibis ferri ciste et arche.

De cepis et allea nichil ad introitum, set de qualibet summa equorum, videlicet xxiiij. rasis ad exitum, ob: De mille cepis ad exitum, ob: De garba calibis videlicet xxx. esperdiis ad exitum, obulum. De garba ferri pile, videlicet de xvj. esperdijs ad exitum, ob: Qui portauerit

ferrum in doleo, pro c. ferri iiij. d. ad introitum. Et cum vendiderit, doleum uacuum erit ad vsum Regis. De cista uel archa sine serura, i. d.

Off the custome of onyonis garlek, etc.

Of onyonys and garlik at the entre nathyng, bot of ilk soume of garleke that is to say xxiiij rasys at the furth passyng a half peny, of ilk thousand vnionnis at the outgang a half peny, of a schef of stele that is to say xxx gaddys at the furth passyng a halfpeny, of ilk schef of iryn pile that is to say xvj gaddis at the furth passyng a halfpeny, and whasa bryngys iryn in ton he sal gyf for the hundreth iryn four peniis at the entre, and when it is saulde the tome ton salbe the kyngis, of a kyst or of ane ark with lok twa peniis, bot lok a peny, of a kyst or a schryne wyth sape in it twa peniis, of a kyst or schryne with wax a peny.

XI.

De doleis.

Si cardones guello uel aliqua mercimonia adducta in doleo vendantur tabernando doleum vacuum erit Regis, et pro quolibet doleo ad introitum, iiij. d. Et de mille cardonibus, i. d. De barello cum cineribus, ij. d. De barello cum calibe, viij. d. De barello cum oleo, ij. d. ad introitum, et ij. d. ad exitum.

Of tonnys.

And gyf ony tassall walde or ony vthyr marchandys brocht in tonnys be tappyt and saulde the tome ton salbe the kyngys, and thai sal hafe for ilk ton at the entre four peniis, and for ilk thousand tassallis a peny, and ilk barell of tasill twa peniis, of a barel wyth assis twa peniis, of a barel wyth stele aucht, of a barel wyth oyle at the entre twa peniis, at the furth passyng twa peniis.

XII.

De guello.

Si aliqua nauis veniens carcata fuerit cum guello dabit pro qualibet frayel ad introitum xxij. d. et ad exitum, xxv. d. Pro qualibet mensura scilicet sectinge de guello dabit ob: Item pro qualibet frayel de guello

que remanet in burgo penes extraneum non vendita vltra festum sancti Martini debet xviij. d. de retornato.

Of walde.

And gyf ony schyp cum wyth walde he sal gyf for ilk frael at the entre twenty and twa peniis, and at the furth passyng twenty five peniis, and for ilk mesure that is callyt a settyng a half peny, and swa for ilk frael remaynand in the burgh of strange mannys vnsauld atoure the feste of Sanct Mertyn it sal gyf auchten peniis for the retret wardis.

CUSTUMA PORTUUM.

OF THE CUSTOME OF SCHIPPIS..

Capitulum hic subsequens in quibusdam libris lingua scribitur Gallicana, verum ut communius et apertius intelligatur in Latinum transcriptum est in hunc modum.

Sciant omnes hoc scriptum visuri vel audituri quod anno gratie millesimo [etc.] facta fuit hec inquisito in Abbathia de Calcow de precepto illustris regis Scocie Dauid primi huius nominis, de rectis custumis regni Scocie ex rebus venalibus venientibus ad villas vel portus Scocie, in hanc formam.

[The following Capitulary is written in the French language in some books, but that it may be more commonly and readily understood it is transcribed in Latin in this manner.

Know all by whom this writing shall be seen or heard, that in the year of grace one thousand [etc.] this inquisition was made in the Abbey of Calchow by command of the illustrious King of Scotland, David the first of that name, anent the proper customs of the Kingdom of Scotland out of merchandise coming to the towns or ports of Scotland, in this manner.]

I.

Primo si aliqua nauis applicuerit apud Berwyc vel aliam villam aut portum Scocie plena frumento et frumentum sit in vna societate dabit ij. bollas vel pretium sicut venditur et xij. denarios pro sua sede, si nauis sit Anglie vel de vltra mare. Set si nauis sit Scocie dabit ij. bollas et iiij. denarios pro sua sede, et si navis et frumentum sint de duabus societatibus vel de pluribus quelibet societas dabit ij. bollas, si aliqua nauis venerit carcata de blado vel de pisis aut de fabis ipsa dabit ij. bollas de meliori et xij. denarios pro sua sede. Item si aliqua nauis veniat carcata de frumento vel de sale semper ipsa dabit ij. bollas vel precium duarum bollarum secundum quod venditur, et faciet finem secundum quantitatem vel multitudinem bladi uel salis scilicet xviij. denarios vel xx. denarios vel ij. solidos si ipsa veniat ante festum sancti Martini, sed si veniat post ipsa faciet altiorem finem secundum quod ibi erit multa quantitas de sale. Nulla nauis onerata de sale disonerabitur in aliqua domo ad vendendum per bollas nec per celdras nec per paruas mensuras nisi mercator illius navis vendiderit totum in grosso mercatoribus regni. Si aliqua nauis sit anchorata et vendiderit unam partem sui salis et aliam partem asportare velit secum uersus Scociam [uel uersus morauiam] vel alibj, ipsa dabit pro qualibet celdra ad exitum i. denarium. Etiam quilibet extraneus qui dare debet custumam dabit pro celdra salis i. denarium et pro bolla nihil dabit.

Gyf ony schyp aryve at the havyn of Berwyk or ony vthyr havyn wythin the kynryk of Scotland wyth whete or wyth vthir corne or wyth pese benys or salt, he sal gyf for his set in the havyn xij d., and twa bollis of the best that is thar in or the pryse of thaim als dere as he sellys the lave, and swa it salbe gyf the schyp be of Ingland or ony oute kynryke. And gyf it be of Scotland it sal gyf the ij bollis as is befor said, and for his set in the havyn iiij^{or} d. And gyf the corne or ony vthyr be of syndry faloschippys, ilk faloschip sal gyf ij bollis of the best or the prise as thai may be derrest sauldo. And gyf the schyp be chargit with salt thai sal gyfe ij bollis as is beforsaid, and thai sal mak fyn with the balzeis of that burgh eftyr as the quantyte of the salt is outher, xviij d., or xx d., or ij s., eftyr as he may best sel his salt thare at the land, and gyfe the schyp cummys befoir Martymes in wyntyr, and gyf the schyp cummys eftyr that feste,

thai sal mak heyar fyn oftyr the quantyte of the salt is. And gif the schippis duellis and makis resting and tweeches the erd with anker and a parti of his salt sauld a part walde lede in Scotland or in ony other stedis, he sal gyf for ilk chaldre at the furth passyng iiij^{or} d. And ilk strange man that aw custom he sal gyf at the furth passyng of ilk chaldre of salt j d., and for a bol he sal gyf nocht.

II.

De custuma vini mellis olei uel similium.

Si nauis aliena carcata veniat de [vino] uel doleis cum melle uel oleo uel cardonibus dabit pro sua sede xij. d., et pro quolibet doleo, iiij. d. ad introitum, et iiij. d. ad exitum. Si aliquod doleum vendiderit tabernando doleum vacuum erit Regis.

Of the custome of wyne hony oyle or tassilis.

Giff ony alien schip come carkyt wyth wyn or tonnys wyth hony or oyle or tassilis, he sal gyf for his set in the havyn twal peniis, and of ilk ton at the entre four peniis, and at the furth passyng four peniis. And gyf ony ton be tavarnyt, the tome ton salbe kyngys.

III.

[De nave ad forgrippum.]

Si aliquis Burgensis de Scocia qui quietus sit de custuma conduxerit nauem ad forgrippum cum vino, blado, uel oliquo alio mercimonio vsque ad villam de Berwyk uel aliquem alium portum, et magister nauis vendiderit aut emerit ad vendendum quod valeat ad vendendum ad lucrum, xij. d. preter prandium suum, dabit pro sua sede, xij. d.

Of a schip to forgryp.

Gyf ony burges of Scotland that is qwyt of custom hyre a schyp to forgryp wyth wyne corne or ony vthyr marchandys to the toun of Berwyk or ony vthyr havyn, and the maystyr of that schyp by or sel ony thyng to sel agayne that is worth to sel to the valour of twal peniis outane his mete, he sal gyf for his sege twal peniis.

IV.

De navi piscatoria.

Si aliqua nauis piscatoria veniat carcata de allecibus vel alijs piscibus dabit iiij. denarios pro sua sede quando vendit aliquid, et si nihil vendit nihil debet, et si inde vendidit xij. denariatas debet inde iiij. denarios, sed si nauis veniat vacua nihil dabit.

Of a fysschar schip.

Gyf ony fysschare schyp cum chargyt with heryng or ony vthir fysch and sel ony thyng to the valw of xij d., he sal gyf for his sege in the havyn iiij^{or} d. And gyf he sell nocht to the valw of xij d., he sal gyf nocht. And gyfe a schyp cummys tome, scho sal gyf nocht. And of a litill schip that is to say a farcost or a crayour, an it cum with gudis helyt it sal pay ii d. and of a helyt bate ii d.

CETERA PATENT SUPRA
IN CAPITULO
INTITULATO
DE
PARUA CUSTUMA REGIA
[SIVE
ASSISA DE TOLLONEIS.]

[THE REST APPEAR ABOVE IN THE CAPITULARY INTITULED "OF THE KING'S PETTY CUSTOM."]

DE ARTICULIS INQUIRENDIS IN BURGO IN ITINERE CAMERARII SECUNDUM VSUM SCOCIE.

[OF THE ARTICLES TO BE INQUIRED IN BURGH IN THE CHALMERLAN AIR ACCORDING TO THE CUSTOM OF SCOTLAND.]

ARTICULI INQUIRENDI IN ITINERE CAMERARII.*

OF INQUIRIES IN THE CHALMERLAN AIR.

[1.] In primis, si balliui faciant iudicium et iusticiam omni tempore.
[Imprimis, gif the bailies doe judgment and justice at all times.]

[2.] In primis etiam, si balliui faciant iusticiam diuitibus et pauperibus eque.
[Imprimis also, gif the bailies doe justice equallie to the puir and the ritch.]

[3.] Item si balliui capiant munera pro iusticia alicui facienda.
[Also, gif the bailies tak gifts for doing justice to any.]

[4.] Item si balliui faciant se partes in Curia.
[Also, gif the bailies mak themselves parties in Court.]

* Where Sir John Skene has followed the best Manuscripts, his translation has been for the most part adhered to.

[5.] Item si balliui seruent assisam panis, seruisie, et carnium.
[Also, gif the bailies keip the asise of bred, aill, and flesches.]

[6.] Item si balliui visitent ter in anno pro leprosis emittendis.
[Also, gif the bailies serch thrice in the year for casting forth of lipper-folk.]

[7.] Item si bālliui dederint saisinam alicuius terre vltra defencionem.
[Also, gif the bailies haue giuen saising of any land beyond what is defended.]

[8.] Item si aliquis dispersonauerit balliuum in Curia uel ultra.
[Also, gif any one hes mis-sayed the bailie in Court or outwith.]

[9.] Item si aliquis deforciauerit balliuum uel seriandum uille.
[Also, gif any hes deforced the bailie or serjant of the town.]

[10.] Item si aliqua iudicia sint reddita contradicta et non presentata.
[Also, gif any judgments haue been pronounced, falsed and not presented.]

[11.] Item si balliui fecerint iudicium de pistoribus et brasiatoribus uel brasiatricibus postquam fuerint ammerciati.
[Also, gif the bailies have executed judgment upon baksters, browster men and women, after they be amerced.]

[12.] Item si brasiatrices uendunt seruisiam per quartam et per fideles mensuras.
[Also, gif browster-wives sel aill be quart and be just measures.]

[13.] Item si balliui fecerint mensuras pondera et vlnas debite examinari.
[Also, gif the bailies have caused measures, wechts, and elnes to be duly examinit.]

[14.] Item si brasiatrices brasient et vendant seruisiam secundum precium eis impositum per gustatores. Et si vendant antequam seruisia fuerit appreciata per gustatores.

[Also, gif browster-wives brewe and selle aill conform to the price set upon it by the taisters. And gif they selle before the aill hes been prised be the taisters.]

[15.] Item si braciatrices uendant seruisiam suam per ollas plenas et non per mensuram signatam.

[Also, gif the browster-wives sell their aill by potsful, and not by sealed measure.]

[16.] Item si pistores custodiant pondera panis eis per balliuos liberata. Et quociens quilibet pistor et fractores assisarum sint ammerciati in anno.

[Also, gif baksters keip the wechts of bred delivered to them by the bailies. And how oft ilk bakster, and breakers of asise are amerced in the yeare.]

[17.] Item si carnifices emant aliqua alia animalia quam sana.

[Also, gif fleschers buy any other than sound beastes.]

[18.] Item si carnifices vendant carnes aliter quam in foro communiter.

[Also, gif fleshers selle flesche otherwise than publickly in the market.]

[19.] Item si carnifices seruent assisam impositam super carnes boum multonum et porcorum.

[Also, gif fleshers keip he asise imposed on beef, mutton, and pork.]

[20.] Item si appreciatores carnium iuste et quociens requisiti sint faciant suum officium.

[Also, gif the apprysers of flesche doe their office justlie, and sa oft as they are requyred.]

[21.] Item si gustatores seruisie iuste et quociens requisiti sint faciant suum seruicium uel officium.

[Also, gif the taisters of aill perform their service or office justlie, and sa oft as they are requyred.]

[22.] Item quociens braciatrices sint amerciate in anno. Et quociens pistores et carnifices sint amerciati in anno.

[Also, how oft browster-wives are amerced in the year. And how oft baksters and fleschers are amerced in the year.]

[23.] Item si balliui faciant panem uel seruisiam venalem in domibus suis.

[Also, gif the bailies maks bred and aill for sale in their own houses.]

[24.] Item si aliqui foristallent burgum per mare uel per terram.

[Also, gif any man forestall the burgh by sea or land.]

[25.] Item si aliqui leprosi receptentur occulte in villa.

[Also, gif any lipperfolk are receavit secretly in the toun.]

[26.] Item si aliqui sint scandalizatores communes non puniti.

[Also, gif there be any common sklanderers not punished.]

[27.] Item de binis mensuris vsitatis in burgo et vlnis ac ponderibus, scilicet vna ad emendum et alia ad vendendum.

[Also, anent the use within the burgh, of double measures, elnes, and wechts; that is to say, ane for selling, and ane other for buying.]

[28.] Item si aliquis uel aliqua non habens libertatem burgi ea vtatur contra libertatem burgi in dampnum domini Regis et burgi sui infra dictum burgum uel extra.

[Also, gif any man or woman, not hauand the freedom of the burgh, uses the freedom against the priviledge of the burgh, within or without the said burgh, to the hurt of our Lord the King, and of his burgh.]

[29.] Item si quis occupauerit, intrauerit, et tenuerit terram domini Regis uel alicuius alterius iniuste.

[Also, gif any man hes occupied entered or held the land of our Lord the King, or any other manis unjustlie.]

[30.] Item si quis detinuerit a domino Rege debitum seruicium suum uel annuum sibi debitum de terra sua.

[Also, gif any man halds fra our Lord the king his service or the annual rent due from his land.]

[31.] Item si quis vendiderit aliquas grossas mercandisas, maletout et paruam custumam domini Regis ab ipso et custumarijs suis auferendo.

[Also, gif any hes sold any merchandise wholesale, abstractand the maletout and sma custume of our Lord the King from him and his customers.]

[32.] Item si aliquis balliuus in assedacione profectuum domini Regis fuerit particeps capcionis.

[Also, gif any bailie in the assedation of profits of our Lord the King hes been a partaker of the tak.]

[33.] Item de terris et redditibus ad manus domini Regis deuenientibus quacunque via escaete aut forisfacture et de eorum occupatoribus. Item de redditibus Regis conselatis.

[Also, anent lands and rents comand to the hands of our Lord the King be any way, as be escheit or be forefaltour, and anent the possessouris of the samine. Also anent the Kingis rents conceiled.]

[34.] Item de hiis qui intrudunt se in alienas terras et eas occupant iniuste.

[Also, anent them wha violentlie intruse themselves into other menis lands, and occupie the samin unjustlie.]

[35.] Item de terris alienatis ad manum mortuam sine licencia Regis.

[Also, anent lands disponed in mortmain without the Kingis license.]

[36.] Item de illis qui vtuntur libertate burgi non habentes aliquam terram edificatam ultra annum.

[Also, anent them who use the libertie of the burgh not hauand bigged land, after a year.]

[37.] Item de cocis decoquentibus carnes in pane uel pisses minime sufficientes humano vsui uel eciam postquam talia tenuerint ultra debitum tempus ea alias recalefaciunt et vendunt in manifestam populi deceptionem.

[Also, of coukes makand reddie flesche or fish in pastry not fit for the use of man; or if after they have keipit such attour the proper time, they heat it againe, and selle it to the manifest deception of the people.]

[38.] Item de allocacionibus factis prepositis burgi non solutis pauperibus carriagium uel alios labores facientibus.

[Also, of allowances made to the bailies of the burgh, the puir nocht payit for doing carriage and other labours.]

[39.] Item de subtrahentibus bona sua in aduentu camerarij uel clericorum suorum pro eo quod ea domino nostro Regi vendere noluerunt.

[Also, of them wha abstract their geir at the cumming of the chalmerlan or his clerks, because they will not sell it to our Lord the King.]

[40.] Item de natiuis domini nostri Regis latitantibus in burgo.

[Also, of the bondmen of our Lord the King hiding within the burgh.]

[41.] Item de taxacionibus positis in burgo si equaliter ponantur, super diuitibus et pauperibus iuxta eorum facultates.

[Also anent taxations in burghs, gif they be equallie imposit upon the ritch and puir conforme to their means.]

[42.] Item si de communibus profectibus burgi assedatis legalis fiat assedacio et leuacio et si de eisdem fidele compotum communitati burgi reddatur. Et si ita non sit per quem et in quorum manus deuenerunt et si com moda transeunt in negotiis communitatis.

[Also, gif there be a just assedation and uptaking of the common gude of the burgh, and gif a faithful compt of the samine be made to the comunity of the burgh. And gif it be not sa, be whom, and in whais hands the produc hes come, and gif the common gude is bestowed in the busines of the community.]

[43.] Item de iiij^{xx} marcis argenti concessis per dominum Regem pro mundacione ville Berewyci in quorum manus deuenerint uel ad priuatas personas et villa non erat mundata per illam pecuniam.

[Also, anent four score merks of silver granted by our Lord the King for the cleansing of the town of Berwick, into whose hands they have come, and whether into the hands of private persons, and the town was not cleansed by that money.]

[44.] Item de gaugeria pannorum et vinorum qualiter obseruantur. Et de custodia magne custume priuatim inquiratur.

[Also, anent the *guaging* of claiths and wynes how they are keipit. And anent the keiping of the great custome be it privately inquired.]

[45.] Item de debitis sectis ad Curiam domini nostri Regis subtractis.

[Also, of suits auchtand to the court of our Lord the King and abstractit therefra.]

[46.] Item de carriagiis captis et reuenditis.

[Also, of cariages taken up and sauld againe.]

[47.] Item de brigatoribus omnibus in Curia.

[Also, of all turbulent folk in Court.]

[48.] Item si balliui fecerint breuiare placita que tangunt Coronam Regis contingentia infra burgum, videlicet, de incendio, raptu mulierum, murdredo, et roboria.

[Also, gif the bailies have made ane rol of the pleyes perteining to the Kingis Crowne within burgh: that is burning, revissing of wemen, murther, and reif.]

[49.] Item si balliui fecerint terminare aliquas querelas inter burgensem et mercatorem post terciam maris refluxionem per dilacionem uoluntarie.

[Also, gif the bailies have made end to any quarrels betwix burges and marchand after thrie ebbings and flowings of the sea be delay voluntary.]

[50.] Item si omnes mensure et pondera ville sint signate sigillo burgi. Et si quis alias tenuerit non signatas.

[Also, gif the haill measures and wechts in the town be sealed with the seal of the burgh. And gif any man hold others not sealed.]

[51.] Item si quis teneat in furno suo plures seruientes quam vnum magistrum, ij. seruientes et vnum garciferum. Et si dominus furni plus capiat pro furno suo quam obulum vna vice, magister ob., ij seruientes j. d., et garcifer quadr.

[Also, gif any man halds in his ovene mae servants than aine master, twa servants, and ane knave. And gif the owner of the ovene tak for his ovene mae than ane halfpenny at ilk time, the maister ane halfpenny, the twa servants ane pennie, and the knave ane farthing.]

[52.] Item si vigilie sufficienter custodiantur in burgo et si currant hostiatim. Et si vidue compellantur ad vigilandum.

[Also, gif watches be sufficiently kepit within burgh, and gif they go from house to house. And gif widowes are compellit to watch.]

[53.] Item si quis retinuerit aduenas in domibus suis plusquam vna nocte qui pro eis plegium dare noluerit.

[Also, gif any man keipis strangers in his houses langer than ane nicht, wha will not give pledge for them.]

[54.] Item si aliqui susceperint superfluas tollonias vltra constitucionem burgi.

[Also, gif any man hes taken excessive tolls above the constitution of the burgh.]

[55.] Item si balliui burgi seruent constitucionem de piscatoribus et non ponant pisces in domibus set in foro si venerint de die.

[Also, gif the bailies of the burgh keip the ordinance anent fischers, and place nocht fisch in houses, but in the market, if they come during the day.]

[56]. Item si omnes precones communiter eligantur ab omnibus secundum constitucionem burgi.

[Also, gif all the serjants are commonlie chosen be all conforme to the constitution of the burgh.]

[57.] Item de hiis qui scindent pisces ad vendendum ante horam terciam in hyeme et ante primam in estate.

[Also, anent those who cut fish for sale befoir the third hour in winter and befoir the first hour in summer.]

[58.] Item si quis tenuerit molas manuales alius quam burgenses, ac brasiauerit et braseum fecerit absque fine facto et quis eos aduocat.

[Also, gif any man keipe hand mylnes, other than ane burges, and brewes and makes malt, composition not made, and wha manteins them.]

[59.] Item si balliui fecerint illotulare curias suas et assisas.

[Also, gif the bailies have made rolment of their courts and asizes.]

[60.] Item si qui sutores emant alia coria quam ut aures et cornua equa fuerint longitudinis.

[Also, gif any sowters buy skins other than such as have the eares and hornes equal in length.]

[61.] Item si quis alius quam burgensis fecerit lardarium ad vendendum.

[Also, gif another nor ane burges make lard for sale.]

[62.] Item de discoopertoribus assisarum et secretorum Regis in burgis.

[Also, anent the revealers of asises and the secrets of the King in the burghs.]

[63.] Item si quis [sit] balliuus uel aliquis alius communis minister burgi qui non sit burgensis eiusdem burgi nullam habens terram hospitatam in eodem.

[Also, gif there be any bailie or any other common servant of the burgh wha is not a burges of the samine burgh hauand no inhabite land within the samine.]

[64.] Item si quis locum tenens domini camerarij uel balliuus burgi steterit in placitis contra dominum Regem uel contra statum uel contra libertatem sue communitatis, cum episcopis, abbatibus, prioribus, comitibus, uel quibuscunque aliis prece uel precio.

[Also, gif any man hauldand the place of Lord Chalmerlan, or a bailie of the burgh, hes stand in pleyes against our Lord the King, or against the estate or libertie of his communitie, with bishops, abbates, priours, earles, or with any others for price or for prayer.]

[65.] Item si qui burgenses existant qui mercatores tam extraneos quam priuatos ad burgos cum bonis suis per mare uel per terram venientes tam difficiliter pertractent leges [non] obseruando, debitas soluciones detinendo seu alia grauamina sibi inferendo quod tales

mercatores accessus suos ad burgos et portus burgorum in dampnum domini nostri Regis et communitatum burgorum depauperacionem manifestam, occasione huiusmodi grauaminum penitus relinquent.

[Also, gif there be any burgeses wha hardlie handle als well stranger marchands as marchands of this realm, cumand to burghs with their geir be sea or be land, by not keiping the lawes, not makand payments aucht to them or doing other injuries to them, by reason whereof such marchands wholly leave their cumming to burghs, and the portes of burghs, to the damage of our Lord the King, and the manifest wrack of the communities of burghs, on account of herships of this kind.]

[66.] Item si stallagiarij emant et vendant libere in burgo ut burgenses et ex cuius permissione. Si brasiauerint uel braseum fecerint aut molas tenuerint.

[Also, gif stallangers commonlie buye and selle within the burgh, as burgeses, and be whais permission. Gif they have brewed, or made malt, or hauld mylnes.]

[67.] Item si sedes ad molendum debite obseruentur burgensibus secundum eorum status per molendinarium. Et si plures molendinarii sint quam lex permittit.

[Also, gif roumes in the mylne be duly keipit for the burgeses according to their station, by the myller. And gif there be more myllers nor the lawe permites.]

[68.] Item si molendinarii delargient circuitum curborum molę vltra defencionem vnius virge estiualis.

[Also, gif the myllers enlarge the ring of the curbs in the mylne mair than the space of ane wand of a summer growth.]

[69.] Item si aliqui ceperint salmones ad stagna molendinorum per retia uel alia ingenia.

[Also, gif any take salmon in myln dams by nets or other engiñes.]

[70.] Item de hiis qui trahunt vicinos suos ad curiam Christianitatis de hiis que coram balliuis de iure deberent terminari.

[Also, of them who drawes their nychboures befoir the ecclesiastical Court anent matters which should be richt be tried before the bailies.]

[71.] Item de seruientibus munera capientibus pro iuratis amouendis de assisa.

[Also, of serjants wha takes gifts to hauld back from the asise them who haue been sworn to pass upon it.]

[72.] Item de hiis qui pareunt diuitibus et pauperes faciunt somonire ut intersint assise.

[Also, of those who spare the ritch, and cause summons the puir to be on the asise.]

[73.] Item de his qui abiurauerunt uillam et postmodum latent in eadem et per quem.

[Also, anent those who are sworn to pass furth the town, and yit are conceilit in the same, and by whom.]

[74.] Item de hostilagiis in burgo.

[Also, of hostillage within burgh.]

[75.] Item de carnificibus burgensibus ponentibus manus suas in ventres martorum.

[Also, of fleschers, being burgeses, putting to their hands to kil' mairts.]

[76.] Item de tynctoribus burgensibus ponentibus manus suas in le wadde.

[Also, of litsters burgeses, wha putis their hands in the wadd.]

[77.] Item de tenentibus terras in manibus suis quas habuerunt ex dono domini Regis ante Bannok contra reuocacionem factam apud Cambuskenel.

[Also, of those wha hauld in their hands lands whilk they had be gift from our Lord the King before Bannock[burn], contrare to the revocation made at Cambuskenneth.]

[78.] Item de detentoribus et subtractoribus multure domini Regis de molendinis domini Regis.

[Also, of those wha abstract the multers of our Lord the King, fra our Lord the Kingis mylnes.]

JURAMENTA OFFICIARIORUM.

[THE OATHS OF OFFICERS.]

Integrum juramentum burgensis et confratris gilde.

Quod erit leel et feel domino Regi et communitati illius burgi in quo factus est burgensis. Et quod dabit Regi firmam fideliter pro terra quam defendit. Et quod erit obediens in licitis preposito et balliuis. Et quod celet archanum consilium communitatis. Et si dampnum eorum nouerit premuniet eis uel in hoc ponet remedium si poterit. Et quociens requisitus fuerit pro communi negocio fidele consilium et auxilium eis dabit pro posse suo. Et quod libertates leges et consuetudines dicti burgi durante vita secundum posse suum manutenebit.

Et facto hujusmodi sacramento osculari debet prepositum et vicinos si frater Gilde fuerit.

[The entire oath of a burgess and brother of the gild.

That he will be leel and feel to our Lord the King and to the community of that burgh in which he is made burgess. And that he will give to the King faithfully, rent for the land which he defends. And that he will be obedient in things lawful to the provost and bailies. And that he will keep the secret counsel of the community. And if any thing to their prejudice shall come to his knowledge

he will forewarn them or apply a remedy if he can. And that as often as he shall be asked he will give them faithful counsel and assistance in the common business to his power. And that he will maintain the liberties, laws, and customs of the said burgh during his life according to his power.

And the oath being made in this manner, he ought to kiss the provost and the brethren, if he be a brother of the gild.]

Juramentum sectatoris.

Quod ipse veram et fidelem recordacionem in illa curia faciet. Et quod legale et fidele iudicium dabit secundum scientiam sibi a Deo datam. Et quod in omnibus aliis articulis ad officium sectatoris pertinentibus secundum intellectum suum legaliter et fideliter deseruiet durante tempore.

[The oath of a suitor.

That he will make true and faithful record in that court. And that he will give lawful and just judgment according to the knowledge given him by God. And that in all other articles pertaining to the office of suitor, he will serve lawfully and faithfully according to his judgment during the time.]

Juramentum seriantis.

Seriantus iurabit primo domino suo a quo habet officium et deinde jurabit quod legaliter attachiabit et fideliter attachiamenta sua presentabit. Ac omnia et singula ad officium suum spectantia secundum scientiam suam sine fraude favore et timore fideliter faciet.

[The oath of a sergeand.

The sergeand shall swear first to his lord from whom he holds office, and then shall swear that he will lawfully attach and faithfully present his attachments. And that he will faithfully perform all and singular the duties belonging to his office, according to his knowledge, without fraud, favour, and fear.]

Juramentum gustatorum.

Primo iurabunt seruisiam fideliter gustare et legale precium super eam ponere secundum forum brasei et ad illud faciendum pro timore nec amore nemini debent parcere.

[The oath of ale tasters.

First, they shall swear faithfully to taste the ale, and lawfully to apprise the same according to the price of malt, and that in so doing they will spare no one for fear nor favour.]

Juramentum appreciatorum de carnibus.

Jurabunt carnes fideliter appreciare secundum quod animalia venduntur in patria et ad illud faciendum pro timore nec amore nemini debent parcere.

[The oath of the apprisers of fleshes.

They shall swear faithfully to apprise fleshes according to the price at which beasts are sold in the country, and that in so doing they will spare no one for fear nor favour.]

Juramentum balliui burgi.

Primo iurabunt quod erunt leal et feal domino Regi et communitati burgi, et iurent fideliter leges burgi conseruare et consuetudines tenere et regere et quod justiciam facient diuitibus et pauperibus eque secundum intellectum suum et quod nulli parcent pro amore nec timore nec pro munere capiendo.

[The oath of bailies of the burgh.

In the first place they shall swear that they will be loyal and true to our Lord the King and to the community of the burgh; and they shall swear faithfully the laws of the burgh to preserve, and its customs to hold and administer, and that they will do justice to rich and poor equally according to their judgment, and that they will spare no one for favour nor fear nor for the taking of gifts.]

MODUS PROCEDENDI IN ITINERE CAMERARII INFRA REGNUM SCOCIE.

THE CHALMERLAN AIR.

[THE FORM OF PROCEEDING IN THE CHALMERLAN AIR IN THE KINGDOM OF SCOTLAND.]

ITER CAMERARII.

1.

Preceptum camerarii.

Camerarius Scocie aldirmanno et balliuis burgi de P. salutem. Quia deo disponente jter nostrum camerarie in dicto burgo penultimo die Nouembris proximo futuri proponimus inchoare, Vobis mandamus et precipimus quatinus summoniri et premuniri faciatis omnes comburgenses vestros tam forinsecos quam inhabitantes quod sint coram nobis vel locumtenentibus nostris dictis die et loco cum continuacione dierum ad audiendum tractandum subeundum et perficiendum ea que de jure in dicto jtinere sunt audienda tractanda perficienda et subeunda. Et summoniri faciatis balliuos, seruientes, gustatores ceruisie, appreciatores carnium, pistores, braxiatores, carnifices, custumarios magne et parue custume, molendinarios, piscatores salmonum et alborum piscium, tabernatores vini, custodes throne, custodes gaugerie, vna cum omnibus et singulis officiarijs qui se in dicto burgo intromiserunt ab vltima sessione camerarij ibidem quod sint ibidem coram nobis dictis die et loco super sibi objiciendis responsuri et juri parituri. Et habere faciatis ad tunc ibidem omnia nomina predicta et omnia nomina secte curie dicti burgi, et nomina fratrum gilde, et tenentium bothas mercimonij tam inhabitantium quam forinsecorum. Et omnia nomina porcos tenentium extra custodiam in legibus statutam, in rotulamento sufficienter et distincte scripta. Premunientes eciam omnes officiarios predictos

quod ibidem ad tunc presentent omnes mensuras suas stateras, pondera, vlnas, et alia instrumenta cuiuscunque generis quibus vtuntur vel vsi sunt in officijs, quolibet instrumento nomine cuius sit distincte scripto. Et publice proclamari faciatis quod omnes quicunque coram nobis prosequi vel defendere voluerint in forma juris quacunque de causa quod captis inde per vos plegiis tam de defensione quam prosecutione quod sint ibidem ad placita sua prosequenda et defendenda in forma prescripta. Et liberari faciatis vicecomiti et balliuis suis de P. sub sigillis vestris omnia nomina foristallatorum forinsecorum dictum burgum emendo vel vendendo foristallantium, ot nomina omnium purpresturam in proprietate vel communi domini nostri Regis facientium infra vel extra attachiandorum, quod sint ibidem ad tunc dictis die et loco cum continuacione dierum nobis vel locum nostrum tenentibus ex parte regia responsuri vlteriusque facturi quod in premissis dictauerit ordo juris, habentes ad tunc summonicionis premunicionis et attachiamenti testimonium et hoc breue. Et hoc non omittatis nec omittant sub pena que competit in hac parte. Insuper penes forinses seu forinsecos Vobis precipimus et mandamus quatinus ipsos indictari et arrestari faciatis meliori modo quo poteritis prout coram nobis jn dicto jtinere volueritis respondere. Prouideatis eciam pro expensis predictorum erga aduentum nostrum et illorum bene et competenter. Datum etc. apud E. tali die mensis etc. Anno domini M°. etc.

The chalmerlans precept.

The chalmerlan of Scotland to the alderman and balyeis of P. greting, for why God disponand our chalmerlane ayr in the forsaid burgh, sic a day of Nouember next to cum wit continuacion of days we ettill to begyn, to you we bide and commandis that ye ger be sommond and warnyt, all yur burges alswell furth duelland as in duellande, that thai be befor ws or our steid haldande the forsaide day and place wit continuacion of dayis for till her tret do and vnderly tha thingis the whilkis of law in the forsaid ayr ar to be herd tretyt vndergan and done, and at ye ger be somonde your balyies, soriandis, tastaris of ail, prisaris of flesche, baxtaris, breustaris, fleschewaris, custumaris alswel of grait custom as of smal custum, millaris, fyscharis of salmond and whyt fysch, tauernaris of wyn, keparis of tron, keparis of gaugerij, and wit all and syndrie officiaris the whilkis has had entermettyn in the said burgh fra the sessing of the last chaumerlane ayr. And at ye ger be brocht thar that tym, al the names forsaide and all the

names of soyt of court of the forsaide burgh, and the breder of the gilde and thaim that haldis buthis of merchandis alswele induellande as furth duelland, and all the names of thaim that haldis swyn vtought keping in the law statut, in sufficiant rolment distinctly writtyn, and at ye warn alsa all the forsaid officiaris that thai present that tym al thar mesuris, balandis, wechtis, elnwandis and all other instrumentis of whatsumever kynd the whilkis thai haf oysit in office, ilk instrument be the awin name distinctlye wryttyn, and opinly at ye ger cry that al thai whatsumever befor ws will folow or deffende in furm of law in whatsumever caus, that borowis therof be you be tan alswel of deffending as of folowing, thai be thar thar mutis to folow and to deffend in the furme forsaid, and at ye ger deliuer to the sheray and the balyies of P. vnder your sel al the names of the furth duelland forstallaris of the forsaid burgh byand and selland forstalland, and the names of al thaim doand purprisioun in propirte or in commoun of our Lorde the King within or vtouth, to be attachit to be thar that tym, the forsaid day and place with continuacioun of dais befor ws or our stedhaldand, on the Kingis behalf to ansuar and mar forthirly to do in the forsaid thingis eftir as the order of law ditis, hafand at that tym with yow of your summondis warnyng and attachment witnes, and this breff. etc.

II.

Littera vicecomiti.

Camerarius vicecomiti et balliuis suis de Edinburgh salutem. Vobis precipimus et mandamus quatinus omnes illos forinsecos quorum nomina balliui burgi de Edinburgh vobis in scriptis presentauerint attachietis indilate ponentes ipsos sub saluis et securis plegiis quod compareant coram nobis aut deputatis nostris pluribus aut vno apud Edinburgh die lune penultimo die mensis Nouembris proximo futuri cum continuacione dierum super sibi objiciendis responsuri et juri parituri. Et sitis vos viccecomes et balliui vestri jbidem coram nobis seu dictis deputatis nostris dictis die et loco cum eadem continuacione dierum habentes vobiscum vestri attachiamenti testimonium et hoc breue. Et hec non omittatis, etc.

[Letter to the Sheriff.*

The Chalmerlan to the Sheriff and his deputes of Edinburgh greating: We command and charge you that incontinent ye attach all strangers whais names

* Sir J. Skene's translation is followed for the most part.

the bailies of the burgh of Edinburgh sall present to you in writ, placing them under safe and sure pledges that they shall compeir before us or our deputes ane or mae at Edinburgh upon Mononday the penult of the moneth of November next to come with continuation of dayes, to answer to charges against them and obey the law. And ye the Schiref and your deputes sall be there, before us or our deputes the saide day and place, with the same continuation of dayes bringand with you ane testimonie of your attachment, and this brieve. And this ye fail not to do, etc.]

III.

De modo tenendi iter camerarij.

Primo compareant coram camerario vel locum suum tenente omnes burgenses tam inhabitantes quam forinseci qui nominatim vocari debent et qui absentes inueniuntur per iudicium amercientur. Secta tamen prius vocetur et curia affirmetur. Hinc inde vocentur omnes balliui et bedelli anni presentis eciam et anni preteriti quoniam debent accusari a tempore vltimi jtineris usque ad tempus nouorum balliuorum. Hinc inde leuetur assisa pro inquisicione facienda super articulis itineris camerarij. Item queratur si balliui habeant commissionem vel non. Et quibus legibus clamant burgum domini Regis gubernari. Hinc inde vocentur omnes querele et super hoc leuetur bona assisa et non suspecta, de melioribus et fidelioribus. Item petatur rotulus siue retornatio preccpti camerarij cum plegijs svper administracione in omnibus. Deinde petatur rentale burgi per quod firme perticarum leuentur, tam de terris edificatis quam vastis. Item petantur in scriptis omnia nomina burgensium infra habitantium et extra, videlicet nomina fratrum gilde per se, et aliorum per se. Item petatur rotulus secte curie tam infra habitantium quam extra et tam de terris vastis quam edificatis. Item petantur nomina balliuorum et aliorum singulorum officiariorum in scriptis.

Of the maner to hald the chalmerlan ayr.

Fyrst aw to appere befor the chaumerlane or his steid haldande all the burges of the burgh, alswel forreyns as deynseens, the whilkis aw to be callit be thar

names, and thai that ar fundyn absent salbe amercit be dome, ner the les the soytis salbe callyt and the court affermyt. Syn efter salbe callyt the balyies and the bedal of that place. And syne efter aw ane assyse to be rasyt for the inquest to be maid apon the articles of the chawmerlane ayr. And than sal freschly be askit of the balyies gif thai haf ony commissioun or nane, and with what lawis thai clame the kyngis burgh to be gouernyt, and efter that salbe callit all the playntis and tharupon to be vpraysit ane gude assise and unsuspect of the best and the worthiest. Than salbe askyt the retour of the precept of the chaumerlane with the borowis apone ministracioun of that ilk precept in all thyngis. Syn efter salbe askyt the rentall of the burgh, be the whilk thai gedyr the kyngis fermys alsuele of biggyt landis as of wast. Item than salbe askit in wryt all the names of the burges both induelland and vtouth, that is to say the names of the breder of gilde be thaim self, and the names of other burges be thaim self. Item thar salbe askit the roll of the soyt of court, alswell within as vtouth duelland, and alswell of wast landis as of biggyt landis. Than aw to be askyt the names of the balyies ande of the laff of the officiaris ilkan be thaim self in wryt.

IV.

De modo calumpniandi balliuos infra burgum.

In primis quod non faciunt justiciam et ad hoc non sunt parati cum fuerint requisiti omni tempore secundum formam juramenti prestiti in sua confectione. Item quod non faciunt justiciam eque tam pauperibus quam diuitibus. Item quod omittunt facere justiciam, favore, odio, vel amore aliquorum. Item quod capiunt munera pro justicia facienda vel omittenda. Item quod faciunt panem vel ceruisiam venalem contra jura burgi. Item quod dant saisinam hereditariam vel ad longum tempus de aliquo burgagio alienando antequam legaliter offeratur propinquioribus de sanguine alienantis. Item quod dant saisinam de aliqua terra in burgo contra defensam opponentis. Item quod non scrutantur burgum legaliter pro leprosis eiciendis. Item quod non custodiunt nec faciunt custodiri assisam panis et ceruisie vini et carnium legaliter. Item quod non faciunt justiciam de frangentibus assisam quociens leges requirunt. Item quod non faciunt examinationem singulis septimanis vel saltem singulis quindenis de pane ceruisia vino carnibus et ceteris in

burgo examinandis. Item quod faciunt se partem in curia per quod iusticia fieri non potest vnde jus partis prosequentis vel defendentis plus solito retardatur. Item quod non exequuntur legaliter mandatum domini Regis vel camerarij sibi directum. Item quod imponunt collectas indebite non consulta communitate burgi. Item quod vendunt vel alias concedunt libertatem burgi seruientibus extraneis ut possint vendere et emere cum burgensibus et vti ceteris commoditatibus. Item quod non faciunt vigilari burgum de nocte per sufficientes vigiles ut tenentur. Item quod faciunt pauperes [et non divites] vigilare. Item quod pendente inquisitione querelas determinant et acceptant.

Of the maner to chalange the balyeis.

In the first, that thai nocht do na redy is nocht ay to do richt and resoun, whene thai ar requerit efter the forme of thar aith when thai war made. Item at thai do nocht rycht evinly to pure and rich. Item at thai let to do rycht thrw fauour, hatrent, or luf of personis. Item at thai tak giftis for the rycht and law to be don or lefft vndon. Item at thai mak breid and ail to sell again the law of the burgh. Item at thai gif seising heretabill, or of lang tym, of ony borouagis to be analyt befor at it be lauchfully profferit to the nerrest of the blude of the alyar. Item at thai gif sesing of sum land in the burgh agayn the deffence and forbeding of the perty contrar. Item at thai sek nocht the burgh lauchfully for leper folk to be furth put. Item at thai keip nocht na gerris keip the assis of breid, and aile, wyn and flesche lauchfully. Item at thai do nocht rycht on thaim at brekis the assisse als oft as the law askis. Item at thai ger nocht examyn ilk wolk, or at the lest ilk xv dayis of brede and aile, wyn and flesch, and other thing in the burgh to be examynyt. Item at thai mak thaim perty in the court thru the whilk the law may nocht procede, or the rycht of the perty followand or deffendand is mar delayit than it was wont to be. Item that thai execut nocht lauchfully the commandment of the king or of the chaumerlane to thaim direkit. Item at thai put colectis vnreulfully and vndetfully nocht counsalit wit the comunite of the burgh. Item at thai sell or grantis the fredom of the burgh to strangeris seruandis, at thai may sell wit the burges and syse sic ilk profitis. Item at thai ger nocht walk the burgh on the nycht be sufficient walkaris. Item at thai ger pur folk walk and nocht rich. Item the inquest hingand thai determyn and accepis complayntis.

v.

De servientibus et bedellis calumpniandis.

Inde vocentur et calumpnientur omnes bedelli id est seruientes qui ab vltima sessione camerarij in dicto burgo ministrarunt. Primo quod non fideliter presentant omnes plegios in manu sua inuentos balliuis in balliuorum sessione nec camerario in sua sessione. Secundo quod non ostendunt balliuis omnes districtiones pro defectibus contingentes ad eorum officia spectantes. Tercio quod non capiunt eque vigilias tam diuitum quam pauperum. Quarto quod in capcionibus et oneribus necessarijs pro domino Rege justiciario vel camerario non eque se gerunt sed amicis et beniuolis suis parcunt et ceteros de communitate nimis infestant et ponderant. Quinto quod in solucionibus huiusmodi faciendis et eorum manibus detentis minus soluunt quam receperunt et in commodum suum ac dampnum populi rigore officij sui. Sexto quod non capiunt omnia genera panum et ceruisie ut habent in mandatis pro examinacione facienda sed pro lucro suo a quibusdam capiunt et quibusdam parcunt per quod assisa non potest fideliter custodiri.

Of the maner to chalange seriandis and bedellis.

Syn efter salbe callit and chalangit all the bedalis the whilk had ministerit in the said burgh fra the last chaumerlane ayr. First at thai present nocht lely al borowis in thar hand fundyn. The secund at thai present nocht to the balyeis all the distress for the defaltis hapynnande till thar office pertenande. The iij at thai tak nocht euinly the wakis alswell of rich as of pur. The iiij at thai in taking of chargis nedfull for the kingis iustice or chaumerlane do nocht evinly, bot sum of thar frendis thai spar and sum other of communitie thai distrobill and chargis our mekill. The v that in sic paymentis to be mad and in handis haldin, thai gif out lese than thai tak, in profyt to thaim self and scath to the communite thru rugour of thar office. The vj at thai tak nocht al kynd of bred and ail as thai haf in bidding for the examinacioun to be don, bot for wynnyng to thaim self sum thai tak and sum thai spair thru the whilk the assis may nocht be weil kepyt.

VI.

De gustatoribus ceruisie calumpniandis.

Primo quod non sunt parati signo exposito ad ceruisiam gustandam. Secundo quod non sunt parati ad gustandum quociens brasiatrix tunnauerit. Tercio quod farciunt ventres suos in potando et intrant in domo et non stant in media platea ante ostium, et non mittunt vnum de socijs suis cum bedello qui eligat de qua olla voluerit gustare et inde socijs potum presentet ut per eos fiat discrecio secundum assisam impositam. Quarto quod non presentant defectus inde ad proximam curiam sequentem coram balliuis. Quinto quod non ponunt assisam de ceruisia sed dicunt simpliciter eam esse bonam vel malam.

Off the chalance of ail taistaris.

In the first, at thai ar nocht redy at the furth puttyn of the takyn fe to tast ail. The secund, at thai ar nocht redy to tast ail als oft as the brouster tunnis. The thrid, at thai fars thar wames in drynkand within the hous whar thai sulde stande in the middis of the streyt befor the dur, and send an of thar falowis in with the bedal that sal chese of what pot he will tast the whilk he sal present till his falowis, and thai sall discern thar apone efter the assise to thaim put. The ferd, at thai present nocht the defaltis befor the balyeis in the next court folowand. The v, is that thai mak nocht the assise of ail, bot sayis sympilly it is gud or it is ewill.

VII.

De appreciatoribus carnium calumpniandis.

Primo quod non sunt semper parati et prompti ad appreciandos carnes signo exposito tam pro vtilitate carnificis quam populi. Secundo quod non scrutantur forum Regis in quolibet die fori de modo empcionis animalium comestibilium videlicet boum mutonum et porcorum. Et secundum empcionem fori per eorum discrecionem ponatur assisa non admisso juramento alicuius carnificis in hac parte. Et caueant ne dono

prece vel pretio fauorabiliter apprecient carnes, sed faciant pretium de predictis quociens fuerint requisiti.

Off the chalance of prisaris of flesch.

In the first, at thai ar nocht alyays redy to prise the flesch at the furth puttyng of the taking, alswel for the proffyt of the fleschwar as for the proffyt of the pepyll. The second, at thai sek nocht the kingis merkat ilk merkat day on the maner of the bying of beestis to be etin, that is to say of oxin, of mutone and swine. And efter the bying of the merkat be thar discrecioun, the price salbe set and the assis, nocht admitand the aitht of ony fleschwar in that part. And at thai keip thaim, that nouther for gift prayer no med thai do fauour in thar prising, and at thai set the price of the forsaide thingis als oft as thai ar requerit.

VIII.

De carnificibus calumpniandis.

Primo quod non vendunt carnes iuxta assisam proborum hominum ville. Item quod vendunt carnes antequam appreciantur. Item quod emunt animalia et occidunt de nocte contra leges burgorum. Item quod foristallant burgenses et burgum emendo in patria. Item quod vendunt carnes ante exposicionem signi vel sine signo. Item quod vendunt bonas carnes extraneis et malas vicinis vel econuerso. Item quod negant vel concelant precium alicui petenti. Item quod vendunt carnes in cooperto et non aperte in fenestra et scabellis. Item quod faciunt lardarium in grosso et illud vendunt minute tabernando contra leges jura et statuta burgi.

Off the chalance of fleschwaris.

In the first, at thai sell flesch again the assis of the worthi men of the toun. Item at thai sell flesch befor at it be prisyt. Item at thai by bestis and slais vnder nycht agayn the law of the borows. Item at thai forstall the burgh biand in the cuntre. Item at thai sell flesch befor at the takyn be put furth and withoutyn takyn. Item at thai sell the gude flesch to strangeris and the ewill to thar nychtburis. Item at thai deny the price when it is sperit. Item at thai sell flesch and coueris it and nocht opin in the window or the scamel. Item at thai mak lardner in gret and it out tavornis in smallis again the law and statut in burgh.

IX.

De pistoribus calumpniandis.

In primis quod plures tenent seruientes in furnis quam lex permittit vbi de jure non tenentur habere nisi quatuor personas videlicet magistrum et duos seruientes et vnum garcionem. Secundo quod ubi capere deberent singulis vicibus pro magistro i. d. pro duobus seruientibus i. d. et pro garcione et garcifera i. quadr. plus debito de populo capiunt. Tercio quod non panificant quodlibet genus panis ut lex burgi requirit videlicet quachetum, wastellum, symnellum, panem alsamyn, purum panem, et panem mixtum de treyt. Item quod non panificant panem concordantem monete, videlicet panem denarii, oboli, et quadrantis. Item quod minuunt pondus eisdem per balliuos deliberatum.

Off the chalance of baxtaris.

In the first, at thai hald seruandis in thar ouynis ma than the law leffis, whar of law thai ar haldin to haf bot iiii, that is to say the master ij seruandis and a knaf. The secund whar thai aw to tak ilk tym for the master j d, and for the ii seruandis j d, and for the knaf a ferthing for thar dett, thai tak mar of the pepil than thay ought. The thrid at thai bak nocht ilk kynd of bred as the law of burgh requeris, that is to say, wastell, symnel, alsamyn, samyn bred and demayn. Item at thai bak nocht concordandly to the mone, that is to say peny bred, halfpony bred, ferthing bred. Item at thai menys the wecht gewyn thaim be the balyeis.

X.

De brasiatoribus calumpniandis.

In primis quod non seruant assisam vendendi ceruisiam iuxta impositionem proborum hominum ville et iuxta emptionem brasii. Item quod non faciunt gustari seu tunnari ceruisiam antequam illam vendunt. Item quod non exponunt signum ad certificandum gustatoribus ceruisie ut decet. Item quod vendunt non preeunte gustatore vel signo. Item quod non habent mensuras videlicet quartam, pinctam, terciam, et sextam, concordantes monete domini Regis per quas mensuras populus possit

deseruiri cum indiguerint. Item quod licet dictas mensuras habuerint tamen recusant vendere in minuto sed integre vt olle steterint. Item post gustationem de nouo tunnent. Item quod olle quas habent non continent in ceruisia clara sed in fermento lagenam Regis vbi de jure continere debent lagenam regiam mensuratam in ceruisia clara sine fermento. Item quod abutuntur seruicio suo ubi perpendunt quod assisa sibi nocuerit per strictam juris obseruacionem. Qui de jure abiurare debent dicto officio per annum et diem si quis conuictus fuerit.

Of broustaris.

At thai keip nocht the assise, selland aill efter the imposicioune of the worthi men of the toune, and efter the bying of the malt. Item at thai ger nocht the aill be tastyt or it be saulde. Item at thai put nocht furth thar ail wande to certify the tunnaris of the ayl as thai solde. Item at thai sell ail nocht the tunnar beand present, na yit tunnand efterhend. And at thai haf nocht thar mesuris, that is to say, quart, pynt, thrid pert and sext part, concordand to tho kingis mone be the whilkis mesuris the pepill may be seruit when mister is. Item that al thocht thai haf all tho forsaid mesuris, ner the les thai refuis to sell be thaim bot be pottis al hail as thai stand. Item at eftir the ail be tastit be the tunaris, thai tun new again. Item at the pottis at thai haf contenis nocht samekle cler aile withoutyn berme. Item at thai aboysis thar seruice whar thai haf dispec at the assise noys thaim be streit keping of the law, tho whilk be law aw to forsuer the office for a day and a yer and thai be convikit.

XI.

De molendinariis calumpniandis.

Primo quod tenent plures seruientes in molendinis quam eis concessum est a burgensibus in dampnum Regis et populi. Secundo quod non tenent cuilibet le rowme ut tenentur sed pro lucro permittunt alterum alterius le rowme occupare. Tertio quod maius spacium occupant maliciose et contra legem inter le hop et lapidem molarem pro eorum lucro ubi lex permittit ibidem spacium amplius non esse vna virgula estiua de corulo. Quarto quod capiunt salmunculos in aqueductibus et in stagnis molendini contra prohibicionem juris. Quinto quod vtuntur

binis mensuris. Sexto quod plus capiunt a molentibus quam de jure aut consuetudine deberent.

Of millaris.

In primis, at thai hald ma seruandis in the mill than the law thollis in scath of the King and the pepill. The secund, that thai halde nocht till ilk man the roum* as law valde, bot for meyd thai tholis ane in anotheris roume gryńde. Alsua, that maliciously and again the law thai occupy mar space betwen the hup and the myln stan for wynnyng to thaim than law vald, for the law vald that ther var na mar space than the thicknes of a somertane vand of hessil. The ferd, at thai tak smoltis in the myll stank again the inhibicioun of law. The v, at thai oyse twa mesuris, ane to tak with and ane vthir to deliver with. The vi, at thai tak mar multir off thar corn that cumis to the mylne than thai aucht of law or custom.

XII.

De custumarijs parue custume calumpniandis.

Primo quod capiunt largiorem custumam quam concessum est a domino Rege et populo contra formam contentam in legibus. Item quod capiunt minorem custumam quam debeant de jure in exheredationem domini Regis.

Off the chalance of customaris of the les custom.

In the first, at thai tak mar custom than is grantit of our Lord the King and ordaynde of law agayn the forme contenit in the law. Item sum tym, at thai tak les custom than thai aw to do in the dysherysing of the Kyng and of the kynryk.

XIII.

De custumariis magne custume.

Primo quod non capiunt juramenta cuiuslibet persone presentantis modum bonorum suorum sed quibusdam fauorabiliter parcunt. Secundo quod ubi habent hesitationem de presentacione non sufficienti in premissis non scrutantur vlterius pro commodo Regis. Tercio quod ubi recipiunt

* *Le rowme.* Houard tells us this word is still used in Normandy, where they say *chacun a son rumb au four et au moulin*—"each has his rumb at kiln and mill."

mandata domini Regis vel camerarij super solucionibus faciendis quibusdam soluciones pro lucro faciunt et quibusdam maliciose subtrahunt.

Of customaris of the gret custome.

In the first, at thai tak nocht the aythis of ilk persoun that presentis the maner of thar gudis, bot sum fauorabilly thai spar. The secund, that whar thai haf dout or trowis the presentacioun of the forsaide thingis nocht to be sufficiant, thai sek nocht mar fortherly for the kingis proffyt. The iii, at whar thai resaf the kingis commandment or the chaumerlanis apon paymentis to be maid, to sum thai mak payment for wynning and fra other sum maliciously thai halde away.

XIV.

De gaugiatoribus calumpniandis.

Primo quod recipiunt feodum suum non faciendo ea que pertinent ad dictum officium scilicet signare pannum per sigillum officii sui per quod emptores dampnantur ex quo eis ignoscitur vtrum habent quod juris est aut non.

Of gaugearis.

In primis, at thai resaf thar fee nocht doand the thingis that pertenis to thar forsaid office, that is to say, to merk clathe witht the selis of thar office be the whilkis the byaris ar schathit when it mai nocht be knawyn to thaim at thai haf that law wil or nocht.

XV.

De tronatoribus calumnpniandis.

Primo quod non custodiunt officium suum temptando lanas suas sed quibusdam personis lanas temptant et quibusdam non pro donis suis inde capiendis in dampnum Regis. Et eodem modo debent calumpniari de omnimodis averiorum ponderibus.

Of tronaris.

At thai keip nocht thar office in assayande woll, bot sum thai assay ande other sum thai spar for mede in scath to the king. In the samyn maner, aw thai to be chalangit of al maner of wechtis.

XVI.

De piscatoribus salmonum.

Primo quod piscantur aquas non seruantes filum aque scilicet medium streyme prout debent. Item quod piscantur injuste omni tempore non habendo consideracionem legibus et statutis ubi captio salmonum inhibita est eis a die sabbati post vesperas usque in diem lune ad ortum solis. Item quod vendunt ad aquas et non ad forum vbi debent.

Off the chalance of salmon fyscharis.

In the first, at thai fysch the watter nocht kepand the myde streym as law waldo. Item at thai fysch all tymis nocht hafand regard of the law and the statutis, whar the takyn of salmond is diffendit fra the Setterday efter evinsang whill the Mononday at the sun rysing. Alsua at thai sell thair fysche at the wattir banke and nocht at the marcate of the kingis burgh.

XVII.

De prouisoribus domini Regis justiciarii vel camerarij calumpniandis.

Primo quod ubi habent prouidere prouident plus quam habent in mandatis prouidere et cumulant sibi singulare lucrum sub colore precij domini Regis. Secundo quod non faciunt plenam solucionem de denarijs sibi allocatis pro huiusmodi solucionibus faciendis sed soluunt quibus volunt et quantum volunt vnde populus incurrit graue dampnum eo quod non audent conqueri ob rigorem officij sui.

Of purwayaris.

In primis whar thai haf to puruay, thai ger purway mar than thai haf in bydding, and gaderis to thaim self singler proffyt vnder colour of the kingis price. The secund, at thai mak nocht full payment of pennys to thaim alowyt for sic paymentis to be maid, bot payis to sum what thaim likis, the whilkis the kyng rynnys in evill name and the pepill in gret scath, because thai dar nocht plenyie for aw of thar office.

XVIII.

De tabernatoribus vini calumpniandis.

Primo quod vendunt vina sine gustacione. Secundo quod vendunt cum mensuris proprijs non probatis a balliuis. Tercio quod miscent vina corrupta cum sanis. Quarto quod vendunt sine appreciatione prius facta.

Of wyn tawernaris.

In primis, at thai sell wyn but tasting. The secund, at thai sell witht thar awn mesuris vnpruffit. The thrid, at thai menge corrupt wyn witht hal wyn. The ferd, at thai sell withoutyn price set be the tastaris.

XIX.

De regratariis calumpniandis.

Primo quod emunt bona ante horam debitam videlicet horam primam in estate et terciam in yeme. Secundo quod emunt extra burgum foristallando. Tercio quod vtuntur falsis mensuris.

Of regrataris.

In primis, at thai by gudis befor the lauchfull hour, that is to say prime in somer and the thrid hour in wynter. The secunde, at thai by vtouth burgh, forstallande. The thrid at thai oyse fals mesuris.

XX.

De piscatoribus alborum piscium calumpniandis.

Primo quod vendunt pisces suos ad litus maris ubi vendere debent in foro regio sub plenariam forisfacturam. Secundo quod vendunt pisces de nocte et absconditos in domo sua maliciose. Frangunt et secant pisces in frusta et vendunt per denariatas. Ponunt pisces in domo et saliunt eos contra leges Regis. Aperiunt pisces et non inspiciunt vtrum sunt leprosi vel non; et hec est causa quare piscatores non debent

facere lardarium. Piscantur in diebus festis et violant Regis statuta et communes ordinationes et suas ipsorum constitutiones in curia piscatorum factas.

Of the chalance of fyscharis of whyt fysch.

In primis, at thai sell thar fysch at the banke whar thai aw to sell in the kingis merkat vnder payn of full forfaltur. Alsua, at thai sell thair fysch in the nycht and in housis hid and nocht in the merkat. Item thai brek the fische and sellis it in pennyworthis. Item thai hous fische and saltis in contrare the kingis lawis. Item when thai opyn fische thai luke nocht wheder thai be mesale fische or wane, that is the cause why na fischar suld mak lardnare. Item thai fische apone the haliday and brekis the kingis statutis and the common ordinance and thar awn ordinance in thar plane fischar court.

XXI.

De foristallatoribus.

Imprimis foristallant burgum in lana coriis pellibus farina et brasio. Non solvunt custumariis custumam Regis quoties vendunt. Vendunt merces et bona sua privatim in suis domiciliis et quando ita vendunt concelant custumam Regis in magnum ejus prejudicium. Preterea vendunt suas merces Lethae, Perthae, Deidoni et in aliis locis et concelant custumam Regis in eius preiudicium et grave detrimentum burgi. Emunt ante tempus triticum hordeum avenas easque custodiunt donec carius vendant et convertant in legitimas merces ideoque recte dicuntur foristallatores. Vtuntur mercibus ad gildam pertinentibus quia faciunt panes et coquunt ceruisiam vendunt vinum et ceram amurcam smegma et aliis libertatibus vtuntur quibus in foro vti non debent. Emunt corium et tannant et concelant custumam Regis.

Of tho chalance of hukstaris.

In primis that thai forestall this burgh with thar woll, hyde, and skyns, mele and malt, na payis nocht the kingis custum to the custumaris als oft as thai sell thar gudis. Item thai sell thar gudis apone thar flure in grete preiudice of tho king and conceling of his custum. And thai sell thar gudis at Leithe, Dunde, Perth and Edinburgh, and ther concelis the kingis custum in grete preiudice of the king

and vndoyng of his burgh. Item thai ar forbyaris of whete, bere and aitis, catall and sqwallaris, and turnis in merchandise and thar thai forestall. Item thai vse gilde merchandise bathe bakand and brewand, tappand wyne, walx, terr and sape and all vthir fredome at thai aucht nocht to do. Wharfore thai forestall. Item thai by leddir and barkis, and concelis the kingis custum.

XXII.

Svtores.

Svtores debent calumniari quod tannant corium faciunt calceos contra leges et statuta videlicet ex corio et pellibus animalium quorum cornua et aures [non] sunt ejusdem longitudinis. Faciunt calceos ocreas et alia ex corio prius quam fuerit tannatum. Consuunt falso et putrido filo vnde calcei perduntur ante quam plene conteruntur. Debent addere corio oleum et sevum tamen addunt tantum aquam et salem. Faciunt calceos et res alias operantur ex corio prius quam fuerit bene mollitum seu mollificatum in magnum damnum et prejudicium ligiorum Regis.

Off the chalance of sowtaris.

In the first that thai both bark, and makis schone otherwais than the law has statute and ordanit, that is to say that the horne and the oil ar in like lang. Item that thai mak schone butis and vther graitht of the lethir or jt be barkit. Item that thai sow witht fals and rottin threid, throu the whilk the schone ar tynt or thai be half worn. Item whair thai suld gif thair lethir gude oyle and taulch, thai gif jt bot watter and salt. Item thai wirk jt or jt be courait, in greit hindering and skaith of the kingis liegis.

XXIII.

Pelliparii seu pelliones.

Pelliones debent accusari quod faciunt chirothecas et res alias prius quam pelles bene et sufficienter curantur. Corrumpunt pelles propter defectum rerum necessariarum ad eas curandas et perficiendas, hoc est aluminis ovorum et rerum aliarum. Corrumpunt aquas Regias.

Consuunt falso et corrupto filo aliisque vtuntur falsis instrumentis. Faciunt tales magistros artis qui illam ignorant.

Off the chalance of skynnaris.

In the first, that thai mak gluvis and vther graith or ther lethir be kindely wrocht and maid. Item that thai hunger ther lethir in defaut of graith, that js to say alum eggis and othir thingis. Item that thai deir the kingis mercate and the cuntre of eggis bying. Item that thai file the kingis watter. Item that thai sow and wirkis with fals graith. Item that thai mak thame maisteris and can nocht the craft.

XXIV.

Sartores.

Sartores debent calumniari quod faciunt multas reliquias et frusta multa ex panno cum eum secant vel propter festinationem vel propter ignorantiam artis. Accipiunt sibi particulas panni et scissiones manicarum et alias minutias. Faciunt hominibus sua vestimenta aliter quam ipsi mandant et precipiunt. Consuunt falso et putrido filo et aliis rebus. Non observant omnibus hominibus dies suos. Faciunt multos magistros artis qui ejus artis sunt ignari in magnum prejudicium ipsius Regis et sui populi. Operantur in diebus festis contra legem Dei.

Off the tailyeouris chalance.

In the first that thai mak our mekil refus and schredis of mennis claith, whiles for greit haist and vther whilis for faut of cunnyng. Item that thai tak pecis and scredis and sleuis, or vther small thingis. Item that thai mak mennis garmentis otherwayis than men ordanis thaimself or biddis. Item thai sow with fals graith. Item thai breik men ther dais. Item thai mak thaim maisteris or thai can the craft in grete skaithing of the king and the peple. Item thai wirk on haly dayis aganis the law of God, etc.

XXV.

Textores.

Textores debent calumniari et accusari quod faciunt nimis multas filorum reliquias et etiam nimis longas in damnum et prejudicium

populi. Cum accipiunt pannum per pondera et per pondus eundem restituunt faciunt eum humidum et aspergunt eum vrina et aliis vt sit majoris ponderis et hoc modo magnam ejus quantitatem sibi retinent. Capiunt malum et putridum filum ex lino vel lana illud imponunt tele et intexunt festinationis causa.

Off chalance of wobstaris.

In the first that thai mak our lang thryms in skaithing of the peple. Item whair thai tak in with wechtis when thai gif jt out thai mak jt donke and wete with water, castand thingis therin to gar it wey and ther throw haldand out of it to thame self a grete quantite. Item that thai tak a mannis yarn and puttis in ane vtheris wob for haste.

XXVI.

Polentarij.

Polentarij qui brasium curant et faciunt *Maltmakers* calumniari debent quod faciunt bonum brasium et malum et simul et conjunctim cum debent ea facere separatim et pro diversis pretijs. Non satis neque bene mergunt in aquis hordeum quod est ejus perfectionis magnum impedimentum. Cum in horreo illud faciunt permittunt et tolerant ipsa grana substantiam suam emittere ex vtraque cauda cum ex vna cauda tantum id fieri debeat. Faciunt brasium super mala terra seu pavimento horrei vnde redditur malum et insalubre. Brasium non fumatur super molendino. Molunt in molendino nimis tenuiter vel in nimis parvas partes et ea est causa quod cum coquitur in lie masking fat non currit quia in molendino vnumquodque granum debet frangi tantum in duas vel tres particulas.

Off the chalance of malt makaris.

In the first that thai mak baith evill and gude malt all togidder, whar thai aucht to mak thaim sundry and syne sell thame of sundry price. Item that thai steip nocht ther beir ennuch for grete haste of the makyn of jt. Item that thai lat jt akyrspire and schut out all the pith of jt, whare it aw bot to chip and cum at the tane end. Item that thai mak jt on ane evill flure throw the whilk jt is maid

spewill and vnhailsum. Item that thai reyk jt on the kill. Item that thai grynd jt our small that jt will nocht ryn when jt is maskit, whair jt aw to be grundin bot in twa or in thre.

XXVII.

Sellarii sive ephippiarii.

Sellarii debent accusari quod sellas faciunt ex ligno viridi cum fieri debeant ex ligno arido. Non ligant neque conjungunt partes selle corio vel glutine sicut debent facere. Apponunt sellis mala et vitiosa ephippia frena falsa fractas et corruptas stapedas vnde multi leduntur et occiduntur. Consuunt malo et putrido filo. Non custodiunt dies suos his cum quibus habent negotium. Non custodiunt neque observant dies festos.

Off the chalance of sadillaris.

In the first that thai mak the sadillis of grene tymmer, whair thai aw to be maid of widderit and dry. Item that thai festyn tham nocht fast, na bindis with lethir na glew, as thai aw to be. Item that thai knyt to ther [sadillis evil] harnassyng fals bridill, bittis and sterapis broken, throw the whilk mony men ar hurt or slayn. Item that thai hald nocht thair dais that thai mak to men. Item that thai hald nocht thair halydais.

XXVIII.

Secreta inquisitio.

Articuli inquirendi in priuata aut secreta inquisitione. In primis si quis dispersonauerit balliuos vel seruientes in officiis suis faciendis vel ipsos impedierit quo minus iusticiam facere valeant ut debent. Item si quis foristallauerit burgum animalia vel cetera bona emendo vel vendendo. Item si sit aliqua terra in burgo forisfacta ex quacunque causa. Item si sint defamatores vel rebelles siue noctiuagi in burgo. Item si quis abiurauerit villam pro aliquo debito seu malefacto et postea redierit. Item si sit aliquis bastardus qui terras acquisierit nullum heredem de corpore suo relinquens. Item si sint alique communes venelle obstipate et per quem. Item si sint alique terre in burgo vel

extra que non soluunt domino Regi redditum. Item si quis faueat alicui domino magis quam domino Regi reddendo sibi censum annuum. Item si aliquis impetrat dominum rure manentem ad veniendum in curiam in burgo ad preiudicium vicinorum suorum. Item si aliquis trahat vicinos suos ad justiciam ecclesiasticam a curiis secularibus. Item si quis vtitur binis mensuris scilicet stateris ponderibus siue vlnis. Item si mete et bonde burgi bene et fideliter circumquaque custodiantur. Item si sit aliqua confederacio inter aliquos ville per quam vicini iniuste grauentur vel pauperes in aliquo deprimantur. Item si tinctores vel sutores qui sunt fratres gilde vtuntur officijs suis manibus propriis. Item si sutores sint tannatores. Item si communis bursa bene custodiatur et ut decet equaliter diuidatur. Item si balliui vendant libertatem burgi aliquibus sine communitatis licencia. Item si aliqui vel alique dicentes se non brasiare tamen quandoque vendunt commensalibus suis ceruisiam sine gustatione prehabita vel precio ante imposito quod facere non tenentur. Item si sint aliqui qui hospitantur et receptant malefactores in suis domibus. Item si sint aliqui qui abducunt lanam pelles aut coria aut alia bona de quibus non soluunt custumam debitam et consuetam. Item si qui sint qui consilia vicinorum vel domini regis aut ea que in inquisitione vel assisa deponuntur alijs enarrant. Item si qui sint qui terras vel redditus in manus religiosorum aut aliorum virorum ecclesiasticorum dederunt sine licencia domini regis. Item si qui sint infra burgum qui purpresturam faciunt in propria terra alicuius vel in communi. Item si qui sint inductores false monete de regno forinseco. Item si aliqua iudicia sint falsata et non presentata et notificata illis quibus debuerunt presentari.

Off the poyntis that aw to be inquerit be the gret assys.

In primis gif ony has dispersonit the balyé or the seriandis in doand thar office, or has mad thaim impediment whar thru thai mycht nocht doo the law as thai aucht. Item gif ony forstall the burgh byande or selland bestis or any other gudis. Item gif thar be ony land in the burgh forfalt thru ony cause. Item gif thar be in the burgh ony sclanderaris, rebellouris, or wakaris on the nycht. Item gif ony has forsuorne the toun for ony cause, and efterwart cumis again to the toun. Item gif thar be ony bastard the whilk has gottyn landis nane ayr hafand of his body gottyn. Item gif ony comone wenal be stopyt and

be wham. Item gif thar be ony land in burgh or vtouth that has nocht payit the Kingis rent. Item gif ony cumis til ane other Lorde than the King gevand him anwell rent. Item gif ony purches a lord duelland to landwart to cum to the court of the burgh in preiudice or scatht of his nychtburis. Item gif ony drawis his nychtbouris to the Christiane court fra the secular. Item gif ony oysis twa mesuris, wechtis or elnis. Item gif the merkis and bondis of the burgh be weil kepit til ilk man. Item gif thar be ony confederacioun or band betwene ony of the toun thru the whilk the nychtburhede is wrangwisly greffyt or pur men oppressyt. Item gif litstares or soutaris that ar of the gilde oysis thar craft witht thar awn hande. Item gif soutaris be barkaris bot of thame that the ere of the bestis and the hornis ar in like lang. Item gif the comone purs be weil kepyt and even pertit as it suldo be. Item gif the balyeis sell the fredome of the burgh till ony with out leff of the comunite. Item gif thar be ony that callis thaim self na broustaris and neuer the les sellis to thar burde ail vntastyt or any price gangande befor. Item gif thar be ony that herberis or resavis misdoaris. Item gif thar be ony that has away woll skynnis or hiddes of the whilkis thai pay na custom aucht and consuet. Item gif ther be ony that tell or revel till other the consail and privateis of the nychtburis, or the Kingis, or thai thingis that ar put in ane inquest or in ane assisse. Item gif thar be ony that has gevin thar landis or thar rentis in the handis of religiouse men or kirkmen withoutyn leff of the king. Item gif thar be ony purprisand in propyr or in comone of the burgh. Item gif thar be ony inbringaris of fals mone of ane other kinrik. Item gif ony domes has bene falsyt in the burgh and nocht presentit befor thaim that thai aw to be presentit to.

XXIX.

Decreta camerarii non debent devolvi ad judicem inferiorem.

Item actiones sive placita mota sive intentata coram camerario de jure nunquam debent devolvi vel descendere ad judicem inferiorem. Item damna et expense taxate in itinere camerarii neque debita per ejus sententiam et decretum recuperata et judicata solvi debent donec quadraginta dies [a tempore late sententie numerandi] preterierint. Item quicquid camerarius in sua sententia ordinaverit seu decreverit aldermanus et balliui ipsius burgi debent curare vt solvatur. Item quicunque

calumniaverit balliuum alicujus burgi in aliquo quod tangit ejus officium non cogitur respondere nisi coram camerario.

Off the priuilege of the chalmerlane air.

It is to wit that all actions of mute or plede, movit or furth brocht in aire of chalmerlane, aw nocht to discend in na lawar court neuer mair fra thine furth. It is to wit that in the air of chalmerlane sowmyt skaithis aw nocht to be followit, na raisit of law, na yit na dettis therin wonnyn payit whill xl dais be runnyn. Item all thingis wonnyn befor the chalmerlane, the alderman or balleis of the burgh aw to gar it be pait. And alsua jt is to wit that wha sa chalangis ony bailye of the burgh of ony thing as tuicheand his office, he aw nocht to ansuere bot befor the chalmerlane.

HEIR ENDIS THE CHALMERLANE AIRE.

CURIA QUATUOR BURGORUM EDINBURGH STIRLING BERWICK ET ROXBURGH.

[THE COURT OF THE FOUR BURGHS EDINBURGH STIRLING BERWICK AND ROXBURGH.]

CURIA QUATUOR BURGORUM.

[THE COURT OF FOUR BURGHS.]

In curia quatuor Burgorum tenta apud Stirling xii die mensis Octobris, Anno Domini m,cccc,v., decretum est quod duo vel tres sufficientes de quolibet burgo domini Regis ex parte australi aque de Spey sint quolibet anno, secum commissionem habentes, ad dictum Parliamentum quatuor burgorum vbicunque tenendum fuerit, ad tractandum ordinandum et determinandum super his omnibus que ad vtilitatem reipublice burgorum vniversorum dicti domini nostri Regis et ad eorum libertates et curiam dignoscuntur pertinere.*

In the court of the four Burghes halden at Stirling the twelft day of the moneth of October m.cccc.v., it is decreited that twa or thrie sufficient burgesses of ilk ane of the Kings burghs, vpon the south side of the water of Spey, hauand sufficient commission compear yearlie to the Convention of the foure Burghes to trait, ordaine and determe vpon all things concerning the vtilitie of the common well of all the Kings burghs, their liberties and court.

* This chapter is from Skene. The MS. from which the following six chapters are taken does not ascribe their enactment to the Convention of Burghs.

[I.]

Quod nullus debet replegiare hominem suum pro foristallatione.

Item quod nullus cujuscunque status fuerit replegiare poterit hominem suum de transgressione forisstallandi, extra curiam burgi vel itineris camerarij exceptis his qui habent burgum propinquum vel eis proximum ab antiquis temporibus ad hoc privilegiatum.

[That na man may repledge for foristallinge.]

Item that na man of what estate he be, may repledge his man for foristallinge, fra the court of the burgh or the chalmerlane air; except them wha hes ane burgh neir adjacent to them hauand priviledge in auld times in sic causses.

[II.]

Quod nullus sit burgensis nisi habeat terram hospitatam etc.

Item quod nullus gaudeat libertate burgi nisi habuerit vnam terram hospitatam et distringibilem infra diem et annum post introitum.

[That no one be burges bot gif he haue land inhabit, etc.]

Item that na man sall bruke the libertie and fredome of the burgh bot gif he haue ane land inhabit and streinyeable within yeare and day after his entres.

[III.]

Quod burgensis ruralis non habeat loth.

Item quod nullus burgensis rure manens habeat lot neque cavil equaliter cum Burgensibus inhabitantibus.

[That na burges dwelland a landwart haue lot.]

Item na burges dwelland a landwart sould have lot nor cavill with burgeses dwelland within burgh.

[IV.]

"Quod nullus templarius eiciat mercimonia pertinentia ad gildam."

Item quod nullus templarius debet se intromittere cum aliquibus mercimonijs vel bonis pertinentibus ad gildam emendo vel vendendo infra terram suam vel extra nisi fuerit confrater gilde.

[That na templair sall intromit with merchandise perteining to the gild.]

Item na templair sall intromet with any merchandise or gudes perteining to the gilde, be buying or selling within or without their awin land, bot gif he be ane gilde brother.

[V.]

De probacione.

Item quod duo homines bone fame qui audierunt et viderunt possunt probare quamcunque summam tam excedentem quinquaginta solidos quam infra. Servata tamen forma in lege scripta de burgense ad burgensem qui possunt ponere se ad solum juramentum suum si testes defuerint.

[Anent probation.]

Item twa men of gude fame wha saw and heard, may proue any summe excciding fourtie shillinges or within the samine. Observing alwaies the forme prescryved in the law betwix burges and burges wha may sweare be his awin eath gif he hes na witnes.

[VI.]

De cognitione fractionis assise panis et ceruisie.

Item balliuus potest omni die exceptis diebus festivalibus cognoscere et corrigere super fracturam assise panis ceruisie et carnium et rebelles et perturbatores infra villam quotiescunque opus fuerit et querela advenerit.

[Anent the cognition of breaking of the asise of bread and aill.]

Item the Baillie may ilk day, except it be ane halie day, cognosce and correct the breakers of the asise of bread, aill and flesh, and als the rebelles and perturbers within the burgh als oft as necessitie requyres and complaint is made.

FRAGMENTA QUAEDAM VETERUM LEGUM ET CONSUETUDINUM SCOTIAE UNDIQUE COLLECTA.

[FRAGMENTS OF CERTAIN OLD LAWS AND CUSTOMS OF SCOTLAND COLLECTED FROM VARIOUS QUARTERS SO FAR AS CONCERNS BURGHS.]

FRAGMENTA COLLECTA.

1.

De plegiagio burgensis pro burgensi.

Quilibet burgensis debet esse plegius alterius primo secundo tercio et quousque pro ipso aliquid amiserit et tunc non tenetur esse plegius eius vlterius nisi sponte voluerit et nisi dampna sua restituat sibi. Et simile erit de brasiatricibus et carnificibus et pistoribus qui accommodabunt vicinis suis carnes panes et ceruisiam quamdiu fuerint in vendicione et si non bene pacauerint eis non tenentur plus accommodare.

Of a burges borgh for a burges.

It is to wytt that a burges aw to be borcho for ane other burges anys, tuyse, thrise, whill he ony thing tyne for him and than he is halding to be borgho for him na langar, bot gyf he lyk of fre wil and bot gif he restor him his scathes. And rycht sa is of baxteris, brewstorys and fleschewarys, the whilkis sal lon to thar nychtburis flesch, bred and ail als lang as thai ar in selling, and gif thai pay thaim nocht weil again thai sall be destrenyeit to pay, and fra thine furthe thai ar nocht haldin to lon thaim ony mar.

II.

Lex bona de fratribus gilde.

Si aliquis de fratribus gilde deuenerit pauper fratres gilde ipsum adiuuent de bonis gilde aut faciant collectam per ville communitatem vsque viginti solidos et si obierit ipsum venerabiliter facient sepeliri.

Of the breder of the gild.

Gif ony of the breder of gilde fall in pouerte, the breder of the gilde sal help him of gudis of the gilde, or thai sal mak a colect throu the communite of the toun to the some of xx. s.; and gif he dissess thai sall ger him be erdyt.

III.

De pena rebellium in burgo.

Si quis burgensis fuerit rebellis contra communitatem ville vel fraudem fecerit et de hoc fuerit conuictus domus eius ad terram prosternatur et ipse a villa amoueatur.

The payn of rebellouris in burgh.

Gif ony burges be rebellour again the communitie of the burgh, or haf done ony fraud and apone that be convickit, his hous salbe strikyne to the erde and him self put out of the toune.

IV.

De plegio in burgo.

Nullus emat in burgo aliquam rem nisi habeat legalem plegium exceptis cibo et potu et pannis scissoratis et huiusmodi minutis mercandijs. Et si aliter emerit rem emptam amittet licet per legem emerit. Et si res empta ab eo calumpnietur et recuperabitur ab eo plegius tamen saluat sibi vitam et membra.

Of a borgh in burgh.

Thar sall na man by ony thing bot he haf a lauchful borgh, outtan met and drink and schapin and made clathes and sic like smale merchandise; and gif he

byis ony other wayis he sal tyn the thing bocht, thocht he haf bocht it be the law. And the thing bocht fra him be chalangit and recouerit, the borch neuer the les sal sauf him lif and membris.

V.

Quod nullus burgensis deferat panem uel ceruisiam ab vno burgo ad aliud ad vendendum.

Statutum est quod nullus burgensis deferat aut cariat panem uel ceruisiam de vno burgo ad aliud burgum ad vendendum in grosso aut denariatis sub pena eschaete panis et ceruisie et amerciamenti octo solidorum ratione jniurie et preiudicij facti in contrarium vicinorum et libertatis burgorum quoniam nullus debet occupare libertatem alterius et debetur amerciamentum in burgo [ubi] apprehenditur delinquens quoniam ratione delicti quis sortitur forum.

[That na burges bring bred or ail fra ane burgh to ane other to sel.

It is ordanit that na burges bringe or carie bred or ail, fra ane burgh to ane other burgh to sel in gret or in pennyworths, under paine of escheate of the bred and ail and amercement of aucht shillin for the injurie and prejudice done to the nychbors and the libertie of burghs, fora-meikle as nane aw to encroach upon the libertie of ane other; and amercement is aucht in the burgh whare the trespasser is found, for he becomes subject to its courts by delict.]

VI.

Quod inhabitantes baroniam infra burgum debent subiacere.

Item quod omnes inhabitantes terras baronie infra burgum subiciant legibus burgorum et corrigantur per balliuos de fractione assise et precij et in omnibus aliis causis et actionibus ciuilibus.

[That the inhabitants of a baronie within a burgh should underly burgh jurisdiction.

Item that the haile tenants of lands of a baronie within a burgh aucht to be subject to the lawis of the burgh, and be corrected be the balyes anent brakand the assise price, and in all other causes and civil suits.]

VII.

De libertate burgensis extra manentis.

Item burgenses extra manentes in omni burgo regis habebunt easdem dilaciones diebus legalibus sicut vicinus ad alium vicinum.

[Anent the libertie of a burges dwelland outwith.

Item that burgeses dwelland outwith in onie the King's burgh, sal haue the samine delay on legal dais as ane nychbor again another nychbor.]

VIII.

Off speciall fredomes grantit to the burgess be king Wilyame.

The King Wilyame, King of Scotlande, grantit to the burgess of his said kynrik that nane of thaim suld be distrenyeit be na man to yelde ony det bot gif he be othir borgh or dettour. And alsua he has grantit to the said burges that thai haif thar merchandice with all the fredomys pertenand thairto, sua that nane of thame be mot without the yettis of thair toun of na maner of mute outtakin the mutis of all termys. And alsua he has grantit to thame that nane of thame do batale bot of the mutis that fallis to the Kingis Croune. And yit at thai be derenyeit be the law of Wynchester, that is, throu the acquittance of xij lele men that ar burgess. And alsua he has grantit to thame and thair airis that thai salbe quyt of tol and lastage, of pontage of passage alswele within as without of all the havynnis of the sey within the kinrik of Scotland, alswele on this side of the Scottis sey as beyond. And alsua he has grantit to thame that nane of thaim be dempnit in amerciament of thair gudis bot eftir the custum of the Wynchester, and that is nocht attoure l. s. And he has grantit thame alsua that thai sall haue thair landis tenementis or weddis or dettis to thame aucht resonably. And all maner of othir thingis till thair creance lent or laid in wed within thair burghe jt sall fully be determyt and endit.

IX.

Off the privelage of the burges dwelland vponlande.

It is to wytt that na burges that dwellis out of the burche may by, na sell, na fre be in ony burche bot in that ilk burch that he is burges in, and that is ordanit of law.

x.

De saysina in burgo.

Nemo potest probare sasinam terre empte secundum legem et assisam burgi factam per dominum Dauid regem anno domini millesimo centesimo *sexagesimo nono nisi per duodecim legales et sufficientes burgenses et vnum prepositum qui probabunt quod illa terra in tribus capitalibus placitis propinquioribus parentibus et amicis fuerit oblata. Secundo quod intrans habuit sasinam super solum coram predictis duodecim et preposito et quod dedit vnum denarium de introitu item quod ipse sasinam dicte terre per vnum annum et vnum diem tenuit sine calumpnia alicuius parentum. Et si omnes duodecim cum preposito mortui fuerint potest probari per tot modernos qui iurabunt per magnum juramentum quod verum inde dicent nec veritatem inde tacebunt sed ad scienciam suam dicent quod de illa re de qua interrogabuntur proprium visum et auditum habuerint et noticiam vel per verba patrum suorum vel per tales quibus fidem adhibere tenentur ut propriis. Item probabunt quod vendens vendidit illam terram ratione paupertatis et illa paupertas debet probari ante vendicionem per duodecim legales et fideles homines scilicet per quatuor manentes in vna parte ipsius ville et quatuor ex alia parte et quatuor manentes ex opposito domus aut mansionis eius aliter enim vendicio illa nulla est.

Off the maner and the mute of the breffe of rycht in burche.

A man may profe sesing of lande boucht wyth in the burche efter the law and the asise mayd be Dauid King of Scotland this maner, that is to say be the wytnesing of xij men lawchfull, lell ande suffycyande burges, and be a balye, the whilk men sall profe that lande was proferyt in hede courttis as law wald to the norrest of the blude, and alswa thai sall profe that he that sauld it hayd sesing on the [ground] befor thai xij lell men and the balye, and to the byar befor thame sesing gaff. And alswa that he gaf j. peny to the balye at his out passing. And alswa that he that that lande sellyt, preioysit it pesably xij monthe and a day, foroutin chalaunce or clayme of ony man maid tharin. Ande gif all thai xij men be dede wyth the balye, yhet may he profe the sesing wyth als mony of men leffande, and thai sall swer the gret athe that thai sall thar of suth say and na suth layne, at thar connyng and at thar knawlage, or thane be the

worde of thar faderys to the whilk thai aw to geff ferme treuth and credens as to thame selffe, and alswa thai sall profe that the man that saulde that lande sald it off veray pouerte befor the sesing of in gefing to the byar, and that profe aw to be prowyt of his pouerte be iiij lell men dwellande on the ta part of hime, and iiij on the tother part of hime dwellande, and iiij dwelland evine forgan the dure of his hous. And ony selling vther wayis be maid the law sayis that it is wayne and of na walew. And geff ony man complenyeiis to the King that ony man halde fra hime his fee and his herytage be the deforcement of hime, than sall he haue the Kingis breffe.

XI.

Distinctio inter feodofirmarium et firmarium.

Item feodofirmarius non potest firmarium facere de aliqua terra nisi priùs reddatur capitali domino et ipse faciet illum firmarium. Et tunc primo ille firmarius habebit libertatem burgi quia duo homines simul et semel non possunt habere libertatem burgi de vno et eodem burgagio.

The distinction betwix the fewfermar and a malar.

A fewfermar may nocht mak a fermour of ony lande, bot it be first gevin vp to the first ourlord and he sal mak him fermour or malar, and than at the first that fermour sal haf the fredome of the burgh, for ij men bath at anis and to gidder may nocht haf it of the samyn burrouagis.

XII.

Processus super deforciacione recenti.

Insubsidium pauperum statuit Robertus Rex primus super deforciatione recenti in burgo quod si aliquis conqueratur preposito vel balliuis burgi mediante plegio quod iniuste deforciatur per talem de tali terra tali tenemento vel tali annuo redditu deforcians citabitur per talem plegium incontinenti quod compareat ad talem horam super solo terre coram preposito vel balliuo burgi parti conquerenti responsurus. Et curia tenebitur sine dilacione super solum dicte terre ad quam curiam siue venerit deforcians siue non procedet assisa. Et illa die immediate ante leuationem judicis per bonam et non suspectam assisam terminabitur cui eorum jure debetur dicta terra dictum tenementum vel dictus annuus redditus ita quod ille contra quem determinatum fuerit nunquam post-

modum inde audietur. Et sciendum est quod in hoc placito non debent audiri dilaciones et essonia defalte seu plegia sicut in alijs placitis sed de plano debet procedi non tantum ad cognicionem possessionis sed eciam feodi et liberi tenementi quia placitum recentis deforciamenti tangit liberum tenementum feodum et possessionem quandoque simul quandoque quodlibet eorum per se quia recens deforciacio idem est quod recens spoliacio vel recens intrusio. Nam quandoque deforciatur quis de possessione quando aliquis possidet terram tanquam vadiatam et inde eicitur iniuste quandoque de libero tenemento quando aliquis habet pro vita sua terram sed inde iniuste eicitur quandoque de feodo quando aliquis non potest habere ingressum neque recursum ad terram suam post mortem ipsius qui habebat liberum tenementum quandoque de possessione libero tenemento et feodo simul sicut sepe accidit quando aliquis de terra sua hereditaria eicitur iniuste siue spoliatur per illum qui inde nullum jus neque rectum habet.

Of the borch of fresch defors.

It is to wyt that in help and subsyde of thaim that ar ourpressyt, Kyng Robert the Bruss has ordanit efter his conquest, to the mar spedfull and profitabil restoring of borowys apon fresch deffors, that giff ony complenyeis to the alderman or to the balyeis of the burgh that wrangwisly he is defforsyt of his land, and fyndis a borgh ther apon, the defforsar salbe soumonde incontinent be sic lik borgh, and the court salbe haldyn without delay apon the grund of that forsaid land, and that day betwene the risyng and the gangyn doune of the soune, be a gud and nocht suspek assise, it salbe determinit to wham of thaim richt of that land pertenis. Sa that he againnis wham it is determind be the forsaide assise of that land neuer in tym to cum salbe herd as anent that clame. Ande it is to wyt that in that case and mut thar fallis na forther delayis or essonyeis, or borrowys fyndyn, bot roundly and planly it sal proced to recognicion nocht allanerly of possessioun, bot alsua of fee and franktenement, for whi the mut of fresch deffors tuechis franktenement, fee and possessioun, sum tym togidder and sum tym ilk ane be thaim self, for why fresch defforsyng is alsmekill as fresch spoliacioun, or a fresch intrusioun when ony man possedis land as wadset, and therof is castyn out-wrangwisly sum tym of the franktenement, as when ony has land for term of his lyf and thereof is furthcastyn wrangwisly, sum tym of fee, as when ony man may nocht haf entra na recours til his land efter the ded of him that had the franktenement therof, sum tym of possessioune, franktenement and fee togidder, as oft tym hapins that sumtym a man is furth castin and spulyeit of his heretabil landis wrangwisly be him that nouder law na ryght has.

XIII.

Ad fortificandum statutum Roberti super recenti deforciatione.

Ad roborandum Regis Roberti Broiss primi statutum de recenti deforciacione [ab] vniuersitate et sano consilio burgorum regni Scocie decretum et constitutum quod licet aliquis fatue presumpserit judicium falsare immediate siue infra quadraginta dies prestando plegios de illo prosequendo infra tempus debitum non debet audiri nec eius plegium recipi set tanquam rebellis puniri amerciamento x. librarum quia quod per assisam semel determinatur iterum determinari non debet juxta jllud statutum regis Roberti preallegatum vbi dicitur quod ille contra quem per judicium recentis deforciacionis semel determinatum est nunquam inde postmodum audietur. Et sic jllud statutum cum consilio burgorum relinquitur esse perpetuo seruandum tanquam jus commune burgale.

[For the strengthenand a lawe of Robert anent fresch defors.

For strengthand a lawe of King Robert the Bruce, the First, anent fresch diffors, it is decreit and ordanit be the communitie and with the wise counsell of the burghs of the Kingdom of Scotland, that if ony sal rashly daur to false a judgment, incontinent or within 40 days, by giving pledges for prosecuting it within the set time, he aucht not be herd nor his pledge taen, but be punished as a rebell be amercement of ten punds, because what hes ance been determined be asise aucht not til be agane determinet according to that lawe of King Robert before cited, whar it is said that he agannis wham a judgment hes anes been given be a decree of fresch diffors sal never thereafter be herd therein. And sa that lawe is left with the counsell of the burghs to be observed for ever as a common burgh lawe.]

XIV.

De terra recuperanda pro annuo redditu non soluto.

Statutum est quod nemo in burgo intendens procedere ad recuperacionem tenementi vasti et jndistringibilis ratione alicuius annui redditus debiti et non soluti tenetur deuastare terram aut tenementum suum presentando ad curiam burgi hostia fenestras ligna et huiusmodi nemo enim tenetur jure sibi ipsi damnum inferre vnde huiusmodi modus procedendi in burgo de cetero non est seruandus set inualidus sano consilio burgorum

annullatus prohibitus et tanquam condemnatus in posterum est habendus. Preterea qui voluerit in burgo agere ad recuperacionem' terre seu tenementi indistringibilis ratione annui redditus debiti debet accedere ad terram seu tenementum cum testibus et bedello burgi et capere terram et lapidem illius tenementi et presentare balliuis ad tres curias capitales burgi. Et debent illi lapides et terre in sacculo poni sigillo balliui sigillato et custodiri per actorem vsque ad quartam curiam capitalem et tunc presentabit actor balliuis in curia lapides et terras trium placitorum precedentium et petet jnde judicium possessionis et dabitur ei de jure.

[Anent the recouering of land for the yeirlie rent nocht payit.

It is ordanit that nane in burgh intendand to pursue for recouery of a tenement waste and undistrainable because of certaine annuall rent being awand and nocht payit is bound to lay waste his lands or tenement by presenting at the Court of the burgh the dores, windous and timber and suchlike, for nane is bound be lawe to inflict damage on hisself, for the whilk this waie of proceeding is not hereafter to be followed but is to be henceforth held inept, being annullit, forbidden, and as it were condemnit be the wise counsell of the burghs. Attour, whasa sal wish to proceed in burgh for recourie of land or tenement unfruitfull, because the yeirlie rent is not paid, aucht to gang to the land or the tenement with witneses and the burgh sarjant, and tak erde and stane of that tenement and present to the balyes at the three head courts of the burgh. And thai stanes and orde aw to be placit in a pock saled with the balyes sale and keepit be the persewer to the fourth head court, and then the persewer sal schawe to the balyes in court the stanes and erde of the thrie preceding courts and sal then craue decreit of possession, and it sal be given him of lawe.]

HIC SEQUUNTUR CONSUETUDINES BURGORUM.*

[HERE FOLLOW THE CUSTOMS OF THE BURGHS.]

XV.

Prior in possessione debet primo recuperare saysinam.

Assisa tenta apud Novum Castrum determinavit quod cum aliquis burgensis fuerit in possessione alicuius terre sive iuste sive iniuste et

* The memorandum of customs which follows to No. 21, p. 171, including also Nos. 101 and 115 of the Leges Burgorum, seems to be the record of a conference held by several burghs for determining points of burgh law and practice.

superveniat alius dicendo se verum esse heredem de illa terra et eicerit eum extra possessionem propria autoritate sua et sine iudicio. Queritur utrum ipse qui prius fuit in possessione debet recuperare saysinam antequam deiectori respondeat. Dicendum est quod ipse qui prius fuit in possessione sive iuste sive iniuste semper primo debet recuperare saysinam et eam tenere aut amittere in forma iudicii. Et deiector erit in forisfactum domini regis.

[The first in possession ought first to recover sasine.]

This is the assisse of the New Castell, that gif ony man of ony burgh war in the possessioune of ony land whether it be rychtwisly or wrangwisly, and ane other cumis and sais he is werray ayr of that ilk land, and puttis him out that was in possessioune, of his awne autoritie and with out dome. Wharfor it is askit at ws burges of the New Castell whethir he that was first in possessioune sal recouer his sesing befor that he ansuer till him that put him out. To that than ansuer we, that he that was first in possessioune rychtwisly or vnrychtwisly sal all tym first recouer his possessioune, and efter that gif he tyn his possessioune throu forme of law and dome, that he is haldin to doo. And he that puttis him out be his awn propir autoritie and will, sal remayn in the kingis merciament.

Off lands given in seknes.

xvi.

Perth.

And the burges of Perth than askis and of thai burrows and burges whether that ony burges of the Kingis of Scotland, in seiknes of ewil that he deis of, may gif of his conquest or heretage within burgh or vtouth til ane of his childer mar than til ane other of his childer cunnabily. They say nay tharto.

xvii.

Lanark.

To all the sonis of halikirk that thir leteris seis or redis greting: The burrow greff and burges of Lanark wyt ye haly wele that sum querell muffyt betuix sum burges of our toun of Lanark, that is to wyt whether ony burges may gif in seknes of ewill that he deis of ony landis that he is in possessioune of conquest or of heretage in tym of his heil befor, throu the assent of the burges of Edin-

burgh lufandly becwmen that we haf requerit, the whilk till ws thar leteris has send with thar comone seil of Edinburgh enselit, and ansueris that whilk custom and vsage in our toun of Edinburgh till this tym and yit it is, that na man may gif in seiknes that he deis of na landis of conquest, na heretage to na man wedset na change.

XVIII.

Edinburgh.

Till thar derrest friendis the burrow greffis and burges of Edinburgh: The burges of Ábirden to yur gud consail ansuer we that eftir the custom of our burgh, the whilk yit is and to this tym was, that na burgis may in the seknes that he deis of gif ony maner of landis in the whilkis he is in possessioune in burgh heretage or conquest fra the werray ayr, na analy na sell, bot gif that the ayr be chargit on other maner that for mister him behufis his lande sell or wedset. Als it is saide ned has na law, bot gif his ayr may nocht of his dettis him deliuer in quyt in ony maner of way.

XIX.

Si aliquis burgensis procreauerit prolem de vxore eius legittima et ipsa moriatur et ipse burgensis postea contraxerit matrimonium cum secunda vxore et si ipse burgensis moriatur secunda vxor non debet manere in principali mansione vltra quadraginta dies post obitum viri suj dummodo jlla mansio fuerit legittima hereditas descendens a patre ipsius viri uel acquisita tempore prime vxoris. Quia in legittima potestate sua potest dare terras suas acquisitas tam vxori sue legittime quam cuicumque alteri extraneo.

Aberden.

Till thar der frendis the burrougreffis and burges of Aberden, Patrik Dey, Mar of the New Castall and the burges of that ilk toun greting: Knawyn be it to yow that sic be the custum in our burgh of the New Castall that gif a burges gettis childer with his wif lauchfully, and scho dee, and that ilk burges spous ane other wif, and that burges dee, the tother wif sall duell in the principall wonnyng of

hir husband xl. dais efter the deid of hir husband, discendande of his fader and his eldfader. And gif that wonnyng in the whilk he deyt was of his conquest, he may gif that woning, as all his other landis throw him of conquest gottin, alswell till his wif as to ony other man.

Diuisio mobilium inter heredes et alios liberos. A.D. 1295.

xx.

Decretum fuit per burgenses de Berwic Edinburgh Roxburgh et Striueling anno Domini millesimo ducentesimo nonagesimo quinto die lune proxima post epiphaniam Domini apud monasterium Sancte Crucis de Edinburgh quod naues nauicule batelle neç equi alicuius burgensis defuncti nullo modo hereditarie ad heredem spectabunt. Set tantum melior palefridus quem ipse burgensis habuerit spectat ad heredem dum tamen non fuerit legatus alicui domui religiose quod si fuerit heres dè racione potest petere meliorem equum post illum. Item decretum fuit per eosdem burgenses ibidem quod quilibet burgensis potest legare et conferre arma sua et vtensilia sua cuicumque voluerit in lecto egritudinis et extra saluis heredi suo armis et vtensilibus principalibus.

[Division of moveables among heirs and other children.]

It was decretid and ordanit be the worthy and noble burges of Berewyk Edinburgh and Sterling, the yer of Gode M^{c} cc and nyntte v, the Monunday next efter the Epiphanie of our Lordo Jehu Cryst, at the Abbay of the Haly Cros of Edinburghe, that is to say that schippis forcastis or battis, na hors of ony burges dede, aw, on na way, to perteno to the ayr herytably, bot nouer the less the best palfra fallis to the ayr and he be nocht gyffin to the kyrke or to sume religiouse man, thane may the ayr ask the next hors best efter. And it was decretyd be the saide consallye that ilk burges may gyf and conferme his armour and his wtensely thingis whar euer him thinkis in his dede bede, safand to the ayr his armoure wyth other vtensellys principall.

XXI.

Item si aliquis burgensis procreauerit liberos legittimos ex vxore et ipse uel ipsa decedat tertia pars omnium bonorum debetur liberis, filiis et filiabus suis, et heres dictorum viri et vxoris habebit eandem porcionem quam alii accipiunt nisi ipse heres fuerit forisfamiliatus.

Item it is custome in our burgh of the New Castell that gif ony burges lauchfully with his spousyt wif has gottyn ony childer, and he or scho dee, the thridpert of all thar gudis salbe to the childer, sonnys or dochteris. And the sone first gottyn and lel ayr of that burges ded and of his wif, sal haf that ilk porcioun of gudis as ony of the tother childer, bot gif the ayr war frely feft in landis or in other gudis befor.

XXII.

De resignatione terrarum in burgo.

Si aliquis vir aut mulier resignauit suas possessiones terre aut liberi tenementi a se pure in manibus balliuorum post hec ille vir et illa mulier non possunt dare possessionem illius eiusdem terre vel liberi tenementi alijs donec prius idem vir aut eadem mulier fuerit possessus legittime aut possessa in eisdem.

[Anent resignation of lands in burgh.

If onie man or woman hes resignit land or frie tenement fra his or herself simplie into the hands of the balyeis, thereafter that man or woman can not giue possessioune of that samin land or tenement whil the same man or woman sal haue first been put into lauchtfull possessioune of the samin.]

XXIII.

Off bying of landis in maner of seising.

It is to wit that jt is lauchtfull and leiffull thing to ilk burges to gif or assigne his land, the whilk he has gottin of purches or of conquest within the kingis burcht, to whame saeuer him likis, bot gif thai be in strife or mute.

XXIV.

De mercatoribus et aliis pro custuma.

Si mercatores vel alij quicunque non priuilegiati emant aliquid et non soluant custumam vel tholoneum et de hoc conuicti fuerint rem sic emptam amittant tanquam eschaetam domini regis et nichilominus dabunt forisfactum viij. solidorum.

Of custom of merchandis.

Gif merchandis or ony other nocht preuilegit byis ony thing and payis na custum na tol, and apon that thai be convickyt, thai sall tyn the thing bocht as the kingis eschet, and neuer the les pay to the forfalt viii. s.

XXV.

De custuma non soluta.

Item si quis emat aliquid et transeat per locum vbi deberet reddere custumam balliuis domini regis et non det custumam et de hoc conuictus fuerit, amittet pro quadrante quinque solidos et quadrantem, pro obolo decem solidos et obolum, pro vno denario viginti solidos et vnum denarium et sic deinceps, et rem illam tanquam eschaetam domini regis amittet nisi ponat custumam suam ad locum statutum sub terra vel sub lapide. Et nichilominus ad forisfactum viij. solidos soluet.

Of custom nocht payit.

Item gif ony byis ony thing, and pass throu placis whar custum aw to be payit to the kingis balyeis and payis nocht custum, and apon that he bo convickyt, he sal tyn for ilk ferding v. s. and j. quad., and for j. ob. x. s. and j. ob., and for j. d. xx^{ti}. s. and j. d., and sa furth, and neuerthles the thing salbe eschet to the king; bot gif he lay his custum in the statut place vndor the erde or vndor a stane, and neuer the les he sall pay viij. s. to the forfalt.

XXVI.

De quietis a thelonio et custuma.

Comites et barones milites vassalli et liberetenentes per cartam et firmam ad terminum vite et omnes qui tenent terram elemosinatam

erunt quieti a thelonio prestando et custuma infra burgos, videlicet qui sunt in comitatibus vbi maneant ad emendum et vendendum victum et vestitum ad vsus suos proprios nisi aliqui ipsorum fuerint mercatores communes et tunc debent custumam et eciam firmam qui habent eandem libertatem quam barones habent. Hec Dauid Rex apud Edinburgh.

Of thaim that ar quytt of toll.

Erlis, barounis, knychtis, vavasouris, and fre tenandis be charter ande ferme of the terme of thar lyf, and al thai that haldis landis gevin in almouse, salbe quyt of gevin of toll or custom within the burrowys, that is to say vythin the erldomys whar thai duell for to sell and for to by met and clathing to thar awin propyr vsys, bot gif sum of thaim be comone merchandis, and than thai aw custom and mall althoyt thai haf the samyn fredom that has the barounis of baronyis. Dauid at Edinburgh.

XXVII.

Of canage of wol and hydis.

Thar is aucht for a last of wol for canage, xviij d. whar it aucht to be gyfyn as at Berwyk on Twede. And thar is aucht for the canage of a last of hydys, xij d. of a last of crouf, j. d.

XXVIII.

De purgacione burgensis.

Si burgensis vel aliquis alius debet se purgare contra dominum Regem vel eius balliuum de querelis inter se motis in burgo, vndecima manu se purgabit nisi querela tangat personam domini Regis vel vitam vel membra aut terram aut tenementum. Et tunc duodecima manu omnino se purgabit.

Of purgacione of a burges.

Giff a burges or ony other aw to purge him again the King or his balye of the playnt betwen thaim muffit in the burgh, with xi. hand he sal purge him, and whar the querell tuechis the Kingis person, or lif or memberis, or land or tenement, than with the xij. hand he sall purge him.

XXIX.

De libertate burgensis.

Burgenses qui sunt mercatores et pedepuluerosi quando exeunt extra quatuor portas in omnibus mercandijs et agendis et si male egerint extra quatuor portas vel in aliqua baronia habebunt sine contradictione legem mercatorum tercia hora diei in crastino. Item statuit rex Dauid quod omnes burgenses sui sint liberi per totum regnum suum tam per aquas quam per terram ad emendum et vendendum et ad commodum suum faciendum absque perturbacione super plenariam suam forisfacturam quia sunt in sua firma proteccione.

Of the fredom of a burges.

Burges or merchandis or pipouderous, when thai pas vtouth the iiij yettis or in the barrounry, thai sall haf with outyn contradiccioune the law of the merchandis fra the thrid hour of the day whil the morne. Item king Dauid statut that al burges suld be fre throu all his kinrik, alswel be watter as be land, to by and to sell and thar proffyt for to doo, withoutyn ony distrobillans vnder full forfaltur, the whilk ar vnder his ferm protectioun.

XXX.

De forma citacionis in burgo.

Citacio eciam debet fieri in burgis per bedellum. Et debet citare talem tali die ad domum suam coram talibus testibus A. B. C. videntibus et audientibus quod sit coram talibus preposito et balliuis etc. tali die tali anno ad respondendum tali super tali re seu causa vel tali breui. Et si non compareat bedellus non jurabit sed testes jurabunt de recordo faciendo in plena curia de citacione legaliter facta.

Of the form of somonding.

Somondis aw to be maid in the burgh be the bedal, and he aw to somonde sic a man, sic a day, at his house, befor sic witnes A. B. and C. seand and herand, that he comper befor sic alderman and balyeis of B., sic a day, yer, and sted, till ansuer till sic a man, apon sic a thing, or sic a cause, or to sic a bref. And gif he comperis nocht thar, the bedal sal [nocht] suer, bot the witnes sal suer of the recordo to be maid in playn court of the somoundis lauchfully maide.

XXXI.

De namis vendendis tertio denario prefalcato.

Item de namis capiendis videtur expediens et legittimum quod officiarij burgi videlicet balliui et seriandj intrent domum debitoris et deducant namos sufficientes pro tali debito et reddant creditori libere extra domum et jllos namos sic deliberatos creditor et seriandus offerre debent in foro ad vendendum per tres dies fori. Et quarto die vendantur nami per creditorem et seriandum pro maiori precio quod pro illis acquiri poterit sine fraude et si tunc vendj non poterunt apprecientur dicti nami per veros appreciatores fideles et non suspectos et ad hoc iuratos. Et super jllo precio tertio denario defalcato deliberentur creditori et si quid supersit reddatur creditori [*debitori*] et si illi nami sufficere non poterunt recipiantur alij nami incontinente et reddantur creditori vsque ad dicti debiti complementum.

[Anent the sale of poind and the third pennie first out tane.

Item anent takand poind, it seems fit and lauchtfull that the officers of the burgh, that is to say the balyeis and sarjants go into the house of the debtor and carrie off poind eneuch for sic debt and give it frielie to the creditor outwith the house, and thai poinds so delivered, the creditor and the sarjant aw to offer in the market place for sale during thrie market dais. And on the fourt dai, the poinds sal be sauld by the creditor and the sarjant for the highest price that can be obteinit for them without fraud; and if the said poinds canna then be sauld, thai sal be apprised by prisers trew, leall, not suspect, and sworne for sic purpose. And at that price, the third penny being deducted, the poinds sal be delivered to the creditor, and if onything remainis it sal be restored to the creditor [*debtor*], and if these poinds be not sufficient, other poinds sal be tane incontinent and giuen to the creditor in full of the said debt.]

XXXII.

De plegiis capiendis de burgense.

Item si burgensis arrestetur ad sectam alicuius causa debiti aut causa alicuius alterius et non habuerit aliquod tenementum siue bona mobilia

vnde possit satisfacere de calumpnia et de standō iuri jnuenire debet plegios alios pro se ad hoc sufficientes et distringibiles.

[Anent tackand pledges of a burges.

Item if a burges be arrestit at the suit of any one for debt or ony other thing, and hauo na tenement na moveable geir fra the whilk he can satisfie in the matter of the complaint and for abiding the judgment he aw to find for hisself other sufficient and distrainable securities.]

XXXIII.

De transgressoribus puniendis.

Item teneantur curie legales et corrigantur legis transgressores de quindena in quindenam per totum annum nullo tempore excepto.

[Anent punishment of transgressors.

Item courts of lawe sal be held and lawe-brakers pu'ished ance in fyftene dais thro the haill yeir, at all seasons of the year.]

XXXIV.

De burgense attachiato.

Si burgenses indictati fuerint et attachiati et presentati in curia si allegauerint libertatem burgi sui et petant crucem et forum suum habere debent. Vel si sint homines alicuius regalitatis dominus illorum vel balliuus domini si petant eos ad curiam dominorum suorum ipsos habere debent. Et nota quod balliuus eorum debet ostendere et docere ipsum esse balliuum antequam exaudiri debet. Et eodem modo de preposito et burgensibus.

[Anent the attachment of a burges.

If burgeses be indictit, attachit, and presentit in court, and plead the friedome of their burgh, and crauo to hauo thair awin eros and market, they aucht to hauo it. Or if they bo of anio regalitie, their lord or his balyie, if thai claim them to the court of their lord, aucht to have them. And tak notis that thair balyio aw to schawe and pruv that he is their bailie befoir he sal be herd. And in like manner in the case of provost and burgeses.]

XXXV.

De satisfactione dampni animalium.

Si quis burgensis noluerit facere capitalem sepem suam vel alia loca sua aperta [reliquerit] vt vicini sui dampna incurrant per animalia ibidem intrantia, jpse cuius sepes est dampnum emendabit et nichilominus dabit seruienti iiij^{or} denarios et aperta loca sua reficiet.

Of assith of scath of catell.

Giff ony burges will nocht mak his hed dyk or other placis that are opyn, whar throu his nychtbouris sustenis scath be bestis at tha placis enterand, he that aw the beestis sal amend the scath, and ner the less he sal gif to the forfalt iiij penijs and mende the opin place.

XXXVI.

De emendatione dampni animalium in burgo.

Item si aliquis burgensis fecerit capitalem sepem vel alia loca clausa et animalia vicini sui ibi intrent per que dampnum incurrit ipse cujus animalia sunt dampnum emendabit, et nichilominus dabit quatuor denarios servienti illius qui passus est dampnum et loca que animalia illa fregerint reficiet.

Off the sattisfaccioune of scathis don in burghe.

It is to wytt that gyf ony burges haf closour or yharde closyt, and ony bestis of his nychburis, hors ox or kow or any other bestis, entter tharin throw the whelk he takis scathis or harmys, he that aw the bestis sall amende the scathis tyll his nychtboure don. And alswa he sall gyf iiij. penijs to the keper or the servand of his sayde nychtbur, and he sall amend the sted brokine or wersyt throw the sayde bestis.

XXXVII.

De porcis in burgo.

Si burgensis tenet porcos in burgo vel agro vel alia animalia vnde vicini sui incurrunt dampnum porci inuenti in dampno sine homine ipsos sequente bene possunt occidi secundum legem burgi tanquam eschaeta et comedi. Et si alia animalia fuerint dabitur pro quolibet pede vnus denarius vel damphum emendabit. Sed erit in eleccione burgensis cui dampnum factum est vtrum voluerit habere iiij^{or}. denarios pro iiij^{or}. pedibus vel habere precium et restitucionem dampni.

Of swyn haldyn.

Giff a burges or ony other haldis swyn in the burgh, or other beestis, throu the whilk the nychtburis takis scathe, the swyn fundin in the scathe with outyn ony kepar folowand thaim may weil be slayn and maid eschet and ettin efter the law of the burgh; and gif thai be uther beestis, thar salbe gevin for ilke fut a peny, or the scath salbe amendit, bot it salbe in the chose of the burges [to whom the skaith is done] whether he will [have] iiij. penijs for the iiij. feyt, or restorans of the scath.

XXXVIII.

Lex caprarum et aucarum.

Item si quis inuenerit aucas vel capras in dampno suo capiat capita aucarum et rostra in terram figat et corpora earum commedat capras vero occidat et corpora habebit tanquam eschaetam.

Off gayt or geiss in burghe.

Gyf ony fyndis gayte or geiss in his scath, he sal tak the hedis of the geiss and festin the nebbis in the erd, ande the bodyis he sall et, the gait forsuth he sall sla and hald the bodyis for eschet.

XXXIX.

De furto et furibus in burgo.

Si quis captus fuerit cum pane vnius oboli in burgo debet per mediam villam verberari. Et de obolo vsque ad iiij^{or}. denarios arcius debet verberari. Et pro vno pare sotularium ponatur super collistrigium et postea ducatur ad caput ville et ibi villam abiuret. Et de iiij^{or}. denarijs vsque ad octo denarios et quadrantem ita ponatur super collistrigium et postea ducatur ad caput ville et a quo captus est debet auricula amputari. Et de octo denarijs vsque ad xvj. denarios et obolum ponatur super collistrigium et postea ducatur ad caput ville et a quo captus fuerit debet tunc altera auricula amputari. Et postea si captus fuerit cum octo denarijs et quadrante a quo captus est suspendatur. Item pro xxxij. denarijs et obolo a quo captus est aliquis suspendatur.

Of the statut of thift.

Giff ony be tane with the laff of a halpenny in burgh, he aw throu the tovn to be dungyn. And fra a halpenny vorth to iiij. penijs, he aw to be mar sayrly dungyn. And for a payr of schone of iiij. penijs, he aw to be put on the cuk stull, and efter that led to the hed of the toune and thar he sall forsuer the toune. And fra iiij. penijs til viij. penijs and a ferthing, he sal be put upon the cukstull, and efter that led to the hed of the toune, and ther he at tuk hym aw to cut his eyr of. And fra viij. penijs and a ferding to xvj. penijs and a obl., he sal be set apone the cukstull, and efter that led to the hed of the toune, and ther he at tuk hym aw to cut his vther ear of. And efter that gif he be tane with viij. penijs and a ferding, he that takis hym sal hing him. Item for xxxij. penijs j. obl., he that takis a man may hing hym.

XL.

De falso pondere et mensura.

Si aliquis conuictus fuerit de falso pondere et mensura castigetur per balliuos burgi per forisfactum primo secundo et tercio et quarta vice sit in misericordia domini Regis de vita et membris. Quia huiusmodi

falsitas pertinet ad coronam domini Regis et quia forisfactum burgi non excedit octo solidos, domino Regi pertinent decem libre.

Of fals wecht and mesur.

Gif ony be convickit of fals mesur and veyhtis, he salbe chastyt be the balyeis of the burgh be amerciament the first tym, the secund and the thryd; and the ferd tym he salbe in the Kingis mercy of lyf and member, for sic falset pertenis to the Kingis croune, and syn the forfalt of the burgh excedis nocht viij. s., to the kingis thar pertenis x. lib.

XLI.

De brasiatrice.

Item brasiatrices possunt brasiare per tres vices absque dare firmam. Sed si quarta vice brasiauerint dabunt firmam illius dimedij anni et non amplius.

Of a broustar.

Broustaris may brew thrise for outyn paying of mail, bot gif thai brew the forde tym thai pay mail for half a yer and na mar.

XLII.

De femina brasiatrice.

Item statutum est quod nulla femina vendat lagenam cernisie a Pascha vsque ad festum sancti Michaelis carius duobus denariis. Item a festo sancti Michaelis vsque ad festum Pasche carius vno denario.

[Of ane browster-wife.

Item it is ordanit that na woman sel the gallon of aill fra Pasche til the fest of St Michael, dearer nor twa pennies. Alsa fra the fest of St Michael til the fest of Pasche, dearer nor ane pennie.]

XLIII.

De carnibus appreciandis.

Item de omnibus carnibus venientibus ad forum tam infra habitantium quam extra precium apponatur per appreciatores ad hoc constitutos et precipiatur venditori quod vendat jllos carnes sub illo precio cuicumque emere volentj et si noluerit distringatur per balliuos. Et si aliquis excedat jllud precium similiter corrigatur. Et nullus vendat carnes antequam apprecientur. Et quod nullus carnifex sit pastillarius.

[Anent apprisand flesches.

Item, on all flesches cumin to mercat als well of them dwelland within burgh as outwith, a price sal be set be prisers appointit for sic purpose, and the seller sal be requyrit to sell thair flesches at that price to ony willing to buy, and if he refuse, he sal be distrainit be the balyies, and if ony exceed sic price, he sal in like manner be correctit. And nane sal sel flesches til thai be apprisit. And na flescher sal be ane pastry-cook.]

XLIV.

De carnificibus.

Statuimus vt nullus carnifex de cetero vendat infra burgum de Berwic carcosia multonum a festo Pasche vsque ad festum Penthecostes carius xvj. denarijs. Et a festo Penthecostes vsque ad festum sancti Jacobi carius xij. denarijs. Et a festo sancti Jacobi usque ad festum sancti Michaelis carius x. denarijs. Et a festo sancti Michaelis vsque ad festum Pasche carius viij. denarijs. Si quis conuictus fuerit quod istam assisam confregerit dabit viij. solidos pro eius forisfacto.

[Anent fleschers.

We have ordanit that na flescher sal henceforth sel inwith the burgh of Berwic carcasos of mutton fra the fest of Pasche whill the fest of Penticost, dearer nor saxtene penniis; and fra the fest of Pentecost til the fest of St James, dearer nor twalve penniis; and fra the fest of St James whill the fest of St Michael dearer nor ten penniis; and fra the fest of St Michael whill the fest of Pasche, dearer nor aucht penniis. If ony be convictit of braking the asise, he sal pay eight shillings for his fault.]

XLV.

De porcis et salmonibus corruptis.

Item quod porci et salmones corrupti [si] vendendj producantur ad forum per quoscumque capiantur per balliuos et in continente mittantur ad leprosos sine questione aliquali. Et si venditor aliquam solucionem inde receperit reddat jterum emptori sine aliquali difficultate et si noluerit ad id faciendum distringatur per balliuos. Et si leprosi jbidem non fuerint penitus destruantur.

[Anent rotten pork and salmon.

Item if rotten pork and salmon be brocht to the mercat for sale be ony, thai sal be seisit be the balyies, and sent incontinent to the lipperfolk without ony manere of question. And if the seller have receavit ony payment therefor, he sal pay it back to the buyer withoutin ony trouble, and if he refuse, he sal be distrainit sa to do be the balyies. And if there be no lipperfolk there, thai sal be utterly destroyit.]

XLVI.

De foro et re vendita.

Omnes rure manentes et libere tenentes tanquam rustici qui sunt manentes in comitatibus nostris veniant cum omnibus rebus suis mobilibus ad vendendum et non ad aliud forum quam ad forum nostrum infra vicecomitatum vbi manent. Et si aliter faciendo conuicti fuerint quilibet dabit viij. solidos ad forisfactum et rem amittet.

[Anent the mercat and wares.

All dwallers in the country als weil frie-holders as peasants, wha are dwelland in our scherriffdom, sal come with all their moveable wares for sale, to nane uther mercat nor ours within the scherriffdom whair thai dwall. And if thai be convictit of doing otherwise, ilk ane sal pay eight shillings for his forefaltour, and tyn his ware.]

XLVII.

Pondera et mensure.

In omni itinere clericus camerarii deferat secum pondera et mensuras

et faciat quod strictissime examinentur pondera tronarum et quod omnino concordent cum ponderibus suis et nec minus nec plus.

[Wechts and measures.

At ilk air, the clerc of the chalmerlane sal carrie with him wechts and measures, and sal gar the tron-wechts be very strictly examinit, and gar them agree altogidder with his ain wechts, nor mair or less.]

XLVIII.

Grauis pena de pondere et mensura.

Si aliquis uel aliqua conuictus fuerit de falso pondere vel mensura per inquisicionem balliuorum erit in voluntate regis de vita et membris de terris et tenementis. Et heredes eorum omnino exheredabuntur nisi gratia domini regis interuenerit.

[Heavy penalty for wecht and measure.

If ony man or woman be convictit of fause wecht or measure be inquest of the balyies, he or she sal be in the King's will for life and limbs, for lands and tenements, and thair heirs sal be altogether disherysit, if the grace of our Lord the King intervene not.]

XLIX.

De clerico camerarii.

Statutum est quod clericus sit specialiter deputatus per regem non habens aliquam ligam vel domicilium cum camerario. Et sit obligatus Regi duntaxat et juret quod nihil faciet de mandato camerarii in prejudicium Regis sed semper aviset Regem in omnibus et in singulis secundum eius consilium et instructionem operetur.

[Anent the chalmerlan-clerc.

It is ordanit that the clerc be speciallie deputit be the King withoutyne ony bond or domicile with the chalmerlan. And he sal be bound to the King allenarly, and sal swere to do nocht at the bidding of the chalmerlan to the Kingis skaith, but sal always aduyse the King in all things, and sal do in ilk thing conforme to his counsel and command.]

[L.]

De tempore itineris.

Item camerarius non faciet iter suum in hyeme sed in estate ad evadendum sumptuosas expensas.

[Anent the tym of the air.

Item, the chalmerlan sal not hauld his air in winter but in summer, to avoid excessive expenses.]

[LI.]

De recenti crimine quod dicitur redhand.

Si latro comprehensus fuerit cum fang hoc est hande habande aut homicida cum redhand si hoc fuerit in burgo, surgant hii qui tenent in baronia infra burgum per sectàm calumniatoris et statim de ipso malefactore siue de die siue de nocte faciant justicie complementum, pro baronibus enim in tali casu reputabuntur.

[Apent recent cryme whilk is namit redhand.

If a thief be taen with the fang, that is hande habande, or a man-slayer with redhand and this be in burgh, thai wha hauld in baronie within burgh sal rise at the suit of the compleiner and incontinent do ful justice on the person of the evill-doer, be dai or nycht. For in sic case, thai sal be reputed for barons.]

[LII.]

The manere of dome falsing.

Gif ony party uill fals a dome, he aucht to say thus:—This dome is fals stynkand and rottin in the self, and tharto I streik a borch, and that I will preiff. And tharto he sall haue a day in to the courte before the justice in other placis outtane in borowis, for it js to wit that all domes falsit or aganesaid in burrow courte salbe determinyt and declarit in Hadingtoune, throw foure burgoss vysaste and sufficiandest of ilk ane of thire burrowis, Berwik, Roxburgh, Edinburgh, Striueling, befor the chalmerlane withoutyne delay.

[LIII.]

De blado et molendino.

Item statuit rex quod omnes qui emunt bladum in portu domini regis ad naues vel a burgensibus ad granarium ipsorum possunt ire per quatuor partes ubi voluerint ad molendum illud bladum absque contradictione et libere et quiete.

Of corne and of the mylne.

It is ordanyt that all thai that byis corne in the kingis hawyn at the schippis, or fra burges to thar garnell, thai may pas on iiij hawys, whar thai will frely and quytly for to grind that corne for outyn ony gain saying.

[LIV.]

De mensuratione terre et de mensura vnius particate terre.

Particata terre in baronia debet mensurari per sex vlnas que faciunt xviij. pedes mediocres hoc est neque de maioribus neque de minoribus, particata terre in burgo continet viginti pedes mediocres.

The mesur off the rude.

The rude off lande in baronyis sal conten vj elne, that is to say, xviij fut off a mydlyn mane; the rude off the land in the burghe mesurit off a midlyng mane sal be xx fut.

[LV.]

De saisina data in burgo.

Si saisina data erit in burgo coram balliuis et duodecim vicinis ad minus licet sit extra curiam talis sasina est sufficiens.

Of seyssing geyffin in the burgh.

Geyff ony seyssing be geyffin in the burgh before the nychtburis off the burgh, that seyssing is suffyciand thocht it be nocht nemmyt na for spokin in the court.

ACTA PARLAMENTORUM
REGIS DAVID SECUNDI.

[ACTS OF THE PARLIAMENTS OF KING DAVID THE SECOND IN SO FAR AS CONCERNS THE BURGHS.]

ACTA PARLAMENTORUM

REGIS DAVID SECUNDI.

CONSILIUM APUD SCONAM, VI DIE NOVEMBRIS, A.D. MCCCLVII.

[1.]

Memorandum quod in consilio tento apud Sconam sexto die mensis Nouembris anni [millesimi] trecentesimi quinquagesimi septimi concordatum est et assensum per tres communitates ibidem existentes . . .

Item quod omnes burgi et burgenses libere gaudeant omnibus suis juribus libertatibus et priuilegiis quibus vti solebant tempore bone pacis. Et quod nullus de cetero presumat eos infra burgos vel extra iniuste opprimere sub pena infraccionis protexionis domini nostri Regis

[Council at Scone, 6th day of November 1357.

Memorandum that in ane councille hauldin at Scone the saxt dai of the moneth of Nouember, the yeir thretene hunder and fyftie seven, it was agreit with consent and assent of the thrie estates thare present. . . . . .

Item that all the burghis and burgesis sall freelie joise the haill of their richts, freedomes, priviledges, whilk thai war vsed to haue in tyme of gude peace. And that na man sall daur unjustlie oppress thaim within or utwith the burghis, under the paine of brakand the protectioune of our Lord the King.]

[II.]

Pro mercatoribus extraneis, et de moneta Anglica. A.D. 1357.

Item quod omnes mercatores extranei vndecunque venientes pacifice admittantur ad emendum et vendendum pro ut alias legitime fuit consuetum. Et quod omnis bona moneta Regis Anglie auri vel argenti recipiatur per regnum Scocie ad verum valorem prout in Anglia potest dari.

[In favour of marchand strangers, and anent Inglish monie.

Item that all marchand strangers resortand fra whatsomever place, sall be peacablie admitit to by and sel as of before was laucthfullie wont. And that all gude monie of the king of England be receauit conforme to the trew valour as it wald give in Ingland.]

[III.]

De advenis recipiendis in burgis.

Item quod in singulis burgis omnes communiter vendentes panem et seruisiam recipiant transeuntes ad hospicia sua vendendo eis necessaria et non ad carius forum quam facerent vicinis suis. Item quod omnes illi qui taliter recepti sunt ad hospicia in burgis et extra nichil capiant de suis hospitibus contra voluntatem ipsorum sed emant ab eis necessaria sua ad competens precium faciendo plenam solucionem. Et quod recedentes absque solucione facta pro receptis arrestentur nomine Regis per comunitatem burgi vel patrie vbi deliquerint. Et stent periculo suo si quod dampnum recupperint in resistendo tali arreste.

[Anent passengers receavit in burghis.

Item that in ilk burgh all common sellers of bred and aill sall receave passengers in herberie within thar houss and sall sel to thaim necessaries, and at na greater price than thai wald sel to their nychbours. Item that they wha are sua receavit in herberie within burghis or utwith, sall nocht tak ony thing fra their hosts agains their will, bot sall by fra them their necessaries for competent price, and sall mak ful payment. And gyf they passe away not payand for that whilk they haue receavit, they sall be arrestit, in name of the king be the communitie of the burghe or county where they commit it the wrong. And they sall stand in their awne perill gyf they happen to receave any skaith in gainstanding the arrestment.]

CONSILIUM APUD PERTH, V DIE DECEMBRIS, A.D. MCCCLXV.

In consilio tento apud Perth vicesimo die a natali Domini [millesimo] trecentesimo sexagesimo quinto . . . Inter alia acta extitit ordinatum quod sit trona ad lanas ponderandas in burgis Regiis per singulos portus regni per camerarium debite et decenter statuta et sit in quolibet loco tronarius qui percipiat de Rege unum denarium de sacco. Et sit ibi eciam clericus ad tronam, qui ut videtur dominis de consilio potest conuenienter esse clericus cokete Regis. Debent enim custumarii, ut ipsis videtur, suum clericum habere suis propriis sumptibus, quibus videlicet tam custumariis quam tronariis debet idem clericus cokete esse contrarotulator.

[Council at Perth, 5th day of December 1365.

In ane councille hauldine at Perth, the twentieth dai fra the natiuitie of our Lord threteue hunder and saxty fyve: Amangst other acts it was ordanit that there be a trone for weyand woll in the Kingis burghis in ilk port of the realme, be the chalmerlan dulie and decentlie set up, and that there be in ilk place ane maister of the trone wha sall receave fra the King ane pennie for ilk seck. And there sall also be ane clerc of the trone, wha, as it seemes to the Lords of the Counsail, may conveniently be the clerc of the Kingis cocquet. For the customares aw, as seems to the Lords, to haue their awin clerc at their awin expenses; whom over, customares and tronares alike, the same clerc of cocquet aucht to be controuller.]

PARLAMENTUM APUD PERTH, VI DIE MARTII, A.D. MCCCLXVIII.

Parlamentum tentum apud Perth sexto die mensis Marcii anno domini millesimo trecentesimo sexagesimo octauo cum continuacione dierum sequencium . . . . . .

Et ordinatum fuit et statutum per dictas tres communitates congregatas et electas, quod quamdiu ville de Berwic et de Roxburgch detente erunt per aduersarios nostros Anglie, que sunt et esse debent duo de quatuor burgis qui habent ex antiquo curiam facere camerarii semel in anno apud Hadyngton super judiciis si que forent coram ipso in itineribus

suis vbicunque contradicta, burgi de Lannark et de Lytheu erunt accepti A.D. 1368.
in premissis et ex nunc premuniti sunt quod ad hoc compareant et deseruiant interim. Ita quod tantum valeat curia tenenda vt premittitur quo ad communem justiciam ac si nullum esset impedimentum vel obstaculum de dictis duabus villis detentis per aduersarios sicut prius notatur. Ita tamen quod cum iidem duo burgi ad manus et partem domini Regis peruenerint priuilegiis pristinis sine obiectu indilate gaudebunt.

[Parliament at Perth, 6th day of March 1368.

In the Parliament hauldin at Perth, the saxt dai of the moneth of March in the yeir of our Lord threteue hunder and saxty aucht with continuacioune of dais followand . . . . .

And it was ordanit and statut be the thrie estatis convenit and electit, that sa lang as the touns of Berwic and Roksburgh sall be hauldin be our enemies of Ingland, (the whilk are and aw to be twa of the four burghis whilk haue of old to mak the court of the chalmerlan ance a yeir at Hadyngton, on decisions guien in ony of his courts of air and appealit) the burghis of Lanark and Lithgow sall be chosen in the premises, and henceforth are premonishit to compear at this court, and do service in the meantime. Sa that the court to be hauldin as aforesaid be as valid for common justice as if there were na let or hindrance throuch the twa foresaid touns beand hauldin be our enemies as is afore said. Bot sa that when thir twa burghis sall cum into the power and party of our Lord the King, thai sall incontinent and withoutyne objection joise their auncient priviledgis.]

PARLAMENTUM APUD PERTH, XVIII DIE FEBRUARII, A.D. MCCCLXIX.

Parlamentum tentum apud Perth decimo octauo die mensis Februarii cum continuatione dierum sequencium anno domini millesimo trecentesimo sexagesimo nono, et regni domini nostri Regis David quadringinto . . . .

Item quod burgenses seu mercatores de regno se non transferrent nisi a domino nostro Rege vel camerario petita licencia et obtenta.

[Parliament at Perth, 18th day of February 1369.

In the Parliament hauldin at Perth, the auchtand dai of the moneth of Februar with continuacione of dais followand, in the yeir of our Lord thretene hunder and saxty nine, and of the reign of our Lord King David, the fortieth:—

Item that na burgisis nor marchands transport thaim out of the realme withoutyne leave of our Lord the King or his chalmerlan, soucht and obteinit.]

OBLIGATIO VILLARUM ET BURGENSIUM REGNI SCOCIE PRO REDEMPCIONE REGIS DAVID A.D. MCCCLVII.

[THE OBLIGATION OF THE TOWNS AND BURGESSES OF THE KINGDOM OF SCOTLAND ANENT THE RANSOM OF KING DAVID, A.D. 1357.]

CONSILIUM APUD EDINBURGH
XXVI DIE SEPTEMBRIS A.D. MCCCLVII.

Obligatio villarum et burgensium regni Scocie pro redempcione Regis David A.D. 1357.

NOVERINT universi per presentes quod nos Alexander Gylyot Adam Tore et Johannes Goldsmyth de Edynburgh, Johannes Mercer Johannes Gill et Robertus de [Gatmilk] de Perth, Laurencius de Garuok Willelmus de Leth et Johannes Crab de Aberdene, Magister Johannes de Someruylle et Robertus Kyd de Dunde, Rogerus Phipille et Thomas filius Johannis de Inuerkethyn, Ricardus Hendchyld et Ricardus Skroger de Carale,

[The obligation of the towns and burgesses of the kingdom of Scotland anent the ransom of King David A.D. 1357.

Know all men by these presents that we Alexander Gylyot, Adam Tore and John Goldsmyth of Edinburgh; John Mercer, John Gill and Robert de Gatmilk of Perth; Laurence de Garuok, William de Leith and John Crab of Aberdeen; Master John de Somervyll and Robert Kyd of Dundee; Roger Phipill and Thomas Johnson of Inverkethyn; Richard Hendchyld and Richard Skroger of Carall; Nicholas, Rector of the Schools, and David Comyn of Cupar; Laurence Bell and Adam de Kyrkyntolach of St Andrews; Richard de Cadyoch

Nicholas Rector Scolarum et Dauid Comyn de Cuper, Laurencius Bell et Adam de Kirkyntolach Sancti Andree Ricardus de Cadyoch et Johannes Clericus de Monros, Johannes de Burgo et Willelmus Sauser de Strivelyn, Johannes filius Johannis et Willelmus de Saulton de Linlithgow, Adam de Haddyngton et Adam de Congilton de Haddyington, Simon Potter et Petrus Waghorn de Dunbretane, Patricius Clericus et Patricius Reder de Rothirglen, Andreas Ade et Andreas de Ponfret de Lanark, Willelmus de Duncoll et Thomas Lang de Drumfres, Nicholas filius Johannis et Johannes filius Willelmi de Peblis, aldermanni mercatores et burgenses, deliberacionem domini nostri Regis Dauid a carcere domini Edwardi Regis Anglie illustris plurimum affectantes, de consensu et uoluntate omnium communitatum dictorum burgorum et parcium adjacencium eisdem, facimus constituimus et ordinamus per presentes nostros et omnium burgensium ac mercatorum dicti regni Scocie ueros procuratores, negociorum gestores et nuncios speciales Alexandrum Gylyot Adam Tore Johannem Goldsmyth Johannem Mercer Johannem Gill Robertum de Gatmilk Laurencium de Garuok Willelmum de Leth Johannem Crab Magistrum Johannem A.D. 1357

and John Clerk of Monros; John de Burgo and William Sauser of Strivelyn; John Johnson and William de Saulton of Linlithgow; Adam de Haddyngton and Adam de Congilton of Haddington; Simon Potter and Peter Waghorn of Dunbretane; Patrick Clerk and Patrick Reder of Rothirglen; Andrew Adam and Andrew de Ponfret of Lanark; William de Duncoll and Thomas Lang of Drumfries, Nicholas Johnson and John Williamson of Peebles; Aldermen, merchants and burgesses, earnestly desiring the deliverance of our Lord King David from the prison of the Lord Edward the illustrious King of England, of the consent and will of all the communities of the said burghs, and parts adjacent to the same, make, appoint and ordain by these presents as true procurators, agents and special messengers of ourselves, of all the burgesses and merchants of the said kingdom of Scotland, Alexander Gylyot, Adam Tore, John Goldsmyth, John Mercer, John Gill, Robert de Gatmilk, Laurence de Garuok, William de Leith, John Crab, Master John de Somervyll and Robert Kyd, burgesses of Edinburgh, Perth, Aberdeen, and Dundee, giving to them and to six or four of them full and free power and special mandate to come to accord finally with the Council of the foresaid Lord the King of England for the

A.D. 1357. de Someruyll et Robertum Kyd de Edynburgh Perth Abirden et de Dunde burgenses, dantes eisdem et eorum sex aut quatuor, plenam et liberam potestatem ac mandatum speciale ad finaliter concordandum cum consilio præfati domini Regis Anglie super liberacione domini nostri Regis Dauid supradicti, et ad admittendum firmandum atque approbandum nomine nostro et omnium burgensium ac mercatorum totius regni Scocie omnes et singulos tractatus et concordias factos habitos seu faciendos inter dictum consilium domini Regis Anglie ac prelatos et alios nobiles regni Scocie et quoslibet etiam punctus in eisdem contentos qui liberacionem dicti domini nostri Regis Dauid tangunt seu tangere poterunt quouismodo, et ad confitendum et recognoscendum nos et omnes alios burgenses et mercatores dicti regni Scocie heredes et successores nostros et quemlibet nostrum et eorum, principaliter et in solidum obligari et teneri prefato domino Regi Anglie, heredibus et successoribus suis occasione redempcionis prefati domini nostri Regis Scocie, in centum milibus marcarum sterlingorum, soluendis eidem domino Regi Anglie uel suis procuratoribus in locis et terminis in dictis tractatibus et concordiis statutis seu statuendis, et ulterius ad faciendum nomine nostro et cujuslibet nostrum ac comunitatum aliorum

liberation of our Lord King David above named, and to admit, confirm and approve in our name and that of all the burgesses and merchants of the whole kingdom of Scotland, all and each the treaties and agreements made observed held or to be made between the said Council of the Lord the King of England, and the prelates and other nobles of the kingdom of Scotland, and also all points contained in the same which touch or can in any way touch the liberation of our said Lord King David, and to confess and recognise us and all other burgesses and merchants of the said kingdom of Scotland, our heirs and successors, and any of us and them as principal debtors for the whole, to be held and bound to the foresaid Lord King of England, his heirs and successors for the ransom of our foresaid Lord the King of Scotland, in one hundred thousand merks sterling to be paid to the same Lord the King of England, or to his procurators, at the places and terms, in the said treaties and agreements appointed or to be appointed; and farther to make in name of us, and each of us, and of the communities of other burgesses and merchants of the said kingdom of Scotland, contracts, obligations, securities, undertakings, writings and oaths whatsoever

burgensium et mercatorum dicti regni Scocie pacciones obligaciones A.D. 1357.
securitates promissiones literas et juramenta, quascunque et quecunque que ad firmitatem et approbacionem premissorum fuerint quomodolibet facienda, et ad obligandum et subittendum nos et quemlibet nostrum in solidum ac omnia bona nostra et singula et cujuslibet nostrum ac ceterorum burgensium et mercatorum dicti regni Scocie mobilia et immobilia presencia et futura ubicunque constituta fuerint et inuenta, compulsioni et cohercioni quarumcunque curiarum ecclesiasticarum uel secularium illorum locorum in quibus dicta bona constituta fuerint et inuenta et earum judicum et ministrorum et cujuslibet ipsarum quousque de totali summa centum milium marcarum et cujuslibet ejus partis ac de omnibus aliis capitulis in dictis tractatibus et concordiis contentis una cum dampnis expensis et interesse, si que uel quas ipsum dominum Regem Anglie in exigendo prosequendo aut recuperando dictam summam pecunie ac propter retardationem solucionis ejusdem uel alicujus ejus partis quod absit, incurrere seu sustinere in judicio uel extra contigerit quouismodo, prefato domino Regi Anglie uel ejus in hac parte procuratoribus specialiter deputatis fuerit plenarie et integre satisfactum, et ad prestandum in animas nostras et cujuslibet nostrum ac suas quodcunque

which should be made in any way for the confirmation and approval of the premises; and to oblige and submit us and each of us for the whole, and all and sundry the goods of each and all of us, and of the other burgesses and merchants of the said kingdom of Scotland, moveable and immoveable present and future wherever they shall be situated and found, to the compulsion and constraint of any courts ecclesiastical or secular of those places in which the said goods shall have been placed and found, and of their judges and officers, and of any of them until full and entire satisfaction shall have been made to the foresaid Lord the King of England or his procurators specially deputed in that part, of the whole sum of 100,000 merks and of any part of it, and of all the other points contained in the said treaties and agreements together with the damages, expenses and interest, if it shall happen that our Lord the King of England has incurred any or sustained any, whether in judgment or outwith, in exacting prosecuting or recovering the said sum of money, and on account of delay in paying the same or of any part of it which may be wanting; and to make on the souls of us and of each of us and them, any kind of lawful oath

A.D. 1357. genus liciti sacramenti quod a nobis in hac parte exigi poterit seu requiri, et ad renunciandum nomine nostro et cujuslibet nostrum omnibus et singulis juribus remediis auxiliis et cautelis tam juris canonici quam civilis et omnibus literis apostolicis impetratis seu impetrandis per que uel quas contra predicta nos defendere possemus quomodolibet uel tueri, necnon et omnia alia et singula faciendum et expediendum que in premissis et circa premissa necessaria fuerint et oportuna quantumcunq ie mandatum exigant speciale. Insuper, ad cautelam et majoris roboris firmitatem omnium premissorum jurauimus et quilibet nostrum jurauit ad Sancta Dei Euangelia per nos corporaliter tacta, juramus et quilibet nostrum sponte jurat quod omnia et singula liberacionem dicti domini nostri Regis Scocie qualitercunque concernencia, que per consilium dicti domini Regis Anglie et prefatos prelatos et nobiles dicti regni Scocie ac procuratores nostros supradictos uel eorum sex aut quatuor, tractata ordinata concordata submissa jurata renunciata et facta fuerint in premissis et in quolibet premissorum, rata grata habebimus atque firma, et eis in omnibus adquiescemus et contra in aliquo non faciemus nec ueniemus, de jure uel de facto tacite uel expresse, sed ipsa exnunc prout extunc ratificamus et aprobamus per presentes.

that can be exacted or required from us in this matter, and to renounce in the name of us and of each of us all and each of the rights, remedies, helps and cautions both of the canon and civil law, and all letters apostolic impetrated or to be impetrated, by which we could defend or in any way protect ourselves against the foresaid. Also to complete and do all other things which in the premises and about the premises shall be necessary and fit, even if they require special mandate. Moreover for the security and stronger confirmation of all the premises we and each of us have sworn, and we and each one of us of his own accord do swear, on the Holy Gospels of God touched corporeally by us, that each and all points in any way touching the liberation of our said Lord the King of Scotland, which by the Council of the said Lord the King of England, and the foresaid prelates and nobles of the said kingdom of Scotland, and our procurators above named or six or four of them, shall have been stipulated, ordained, agreed, submitted, sworn, renounced and done in the premises and in each of the premises, we shall hold valid approved and established and shall acquiesce in them all, and shall not do or come contrary in anything in law or deed, tacitly

In quorum omnium testimonium sigilla communia dictorum burgorum et communitatum eorumdem presentibus sunt appensa apud Edynburgh xxvi. die mensis Septembris anno Domini MCCCL septimo.* A.D. 1357.

or expressly, but we now as then ratify and approve these things by these presents.

In testimony of all which, the common seals of the said burghs and of the communities of the same are affixed to these presents at Edinburgh the 26th day of September 1357.]

[The Burgesses of Edinburgh, Perth, Aberdeen and Dundee as procurators thus constituted granted an obligation for fulfilment of the treaty, and particularly for payment of the sum of ten thousand merks sterling to the king of England, and affixed to it the seals of their respective burghs, along with the subscriptions of three notaries, at Berwick on Tweed 6 October 1357. Similar obligations for the said sum, were granted by the Prelates and Clergy and by the Nobility of Scotland.]

* The original procuratory in the Record Office, London, has the seals appended of the following Burghs :—

Aberden	Lithgw
Dunde	Haddington
Inverkethyn	Dunbreton
Carall	Rothyrglen
Cupar	Lanarc
Sanctandrois	Dunfreys
Monros	Peblis,
Strevelyn	

and of one which cannot be decyphered, the cognisance, a triple tower, probably Edinburgh.

GLOSSARY AND INDEX.

GLOSSARY.

A, one.
ABBATES, abbots.
ABONE, above.
ABOYSE, to abuse.
ABUNE, above.
ACOŸSSING, exchange, excambion.
ADUŸSE, advice.
AFFERIS, effeirs, befits.
AFFERMYT, affirmed.
AGANESAID, gainsaid.
AGAYNE, again.
AGANE, AGAYNE, AGAYNIS, against.
AGAYNE-WARD, contrarywise.
AILL, ale.
AIN, AINE, one.
AIR, an itinerant court of justice.
AIR, AR, an heir.
AITIS, oats.
AITH, AITHT, oath.
AKYRSPIRE (of malt) to sprout at both ends.
ALANERLY, ALENERALY, only.
ALDIRMAN, alderman, equivalent to the modern Provost.
ALGATES, every way, by all means.
ALKYN, ALKYNE, all-kind, whatsoever.
ALMONDIS, almonds.
ALMOUSE, alms, charity.
ALOM, alum.
ALOWYT, allowed.
ALS, also, as, so.
ALSAMEN-BREAD; probably bread baked of whole flour.
ALSUA, also.
ALSWELE, as well.
ALTHOYT, although.
ALWAIES, always.
ALYAR, one who alienates.
AMERCE, to fine.
AMERCIAMENT, fine.
AMIUFF, to move, to excite.
ANALY, to alienate.
AND, if.
ANE, one.
ANERLY, only.
ANERYS, single, only.
ANIS, once.
ANKER, anchor.
ANORNIT, ANOURNYT, adorned
ANSUAR, to answer.
ANYS, once.
APPERE, to appear.
APONLANDE, APOLAND, or UPLAND, belonging to the country, as distinguished from burghs; a general name for country places.
APON, APOUN, upon, on.

APPROBABILL, approvable.
AQUYTE, acquit.
ARETTIT, accused, adjudged.
ARK, a large chest or coffer.
ARRYFIS, arrives.
ASSAYANDE, assaying, trying.
ASSIS, ashes.
ASSIS, ASSYIS, assize.
ASSYTHE, compensation for slaughter or injury.
AT, that.
ATTANIS, at once.
ATTACHYT, attached.
ATHE, oath.
ATTOUR, ATOURE, beside, over, beyond.
AUCHT, AUCHTAND, owed, due, indebted.
AUCHT, eight.
AUCHT, ought.
AVELLE, avail.
AVENTURE, AWENTUR, adventure, speculation, chance, accident.
AW, AWE, fear.
AW, owe, ought.
AWAND, owing.
AWCHT, owed.
AWIN, AWNE, own.
AWNARIS, owners.
AWYN, own.
AY, ever, always.
AYR, AYRE, an itinerant court of justice.
AYRE, heir.

BAILZIE, bailie.
BAITH, both.
BAK, back.
BAKSTAR, baker.
BALANDIS, balances.
BALYS, bales.
BARGANOUR, a quarrelsome person, a wrangler.
BARK, tan.
BARKAND, tanning.
BARKARIS, tanners.
BARNE, BAIRN, child.
BARROUNRY, barony.
BATHE, both.
BATALE, BATAILE, BATAYLE, battle.
BATE, BATTIS, boat, boats.
BATTRY, kitchen utensils.
BAXTAR, BAXSTAR, baker.
BAYLYHEIS, bailies.
BE, by.
BEAND, being.
BECWMEN, become, convened.
BEDAL, BEDDEL, beadle, an inferior officer of court.
BEDE, bed.
BEESTIS, beasts.
BEFOIR, before.
BEHUFIS, behoves.
BEIR, bear, barley.
BEIS, is.
BENE, been.
BENK, a bench, a seat, a shelf.
BENYS, beans.
BERAR, bearer.
BER, BERE, bear, barley.
BERE, to bear, to carry.
BERM, BERME, yeast.
BESILY, busily.
BESTE, beast; BESTYS, BESTIS, beasts.
BETYDE, betide, happen.
BETUIX, betwixt, between.
BEUERIS, beavers.
BIAND, buying.

Bid, Bide, to offer.
Bittis, bits.
Blaa, blue, livid.
Blodewit, Bludewyt, the fine for the effusion of blood.
Blud, blood.
Bocht, bought.
Bollis, bolls.
Bondis, bounds, boundaries.
Borch, Borgh, Borghe, Borow, cautioner, pledge, bail, surety.
Borow, a burgh.
Borowage, a burgh holding.
Borowgang, surety.
Borowmen, burgh-men, burgesses.
Bot, only, except, without.
Bothe, Bothyis, booth, booths.
Braidnes, breadth.
Brandreth, a gridiron.
Brasil, a wood used for dyeing of a red colour.
Brasyn, brazen; made of brass.
Brayand, Breiying, crying.
Bred, Brede, bread.
Breder, brethren.
Breff, brieve.
Breke, to break.
Brether, brethren.
Breustaris, brewers, and alehouse keepers.
Brewand, brewing.
Bridill, bridle.
Brokine, broken.
Broustare, Browstare, Browster, brewer.
Bryngis, brings.
Bryn, to burn.
Brynt, burnt.
Bruch, Burch, a burgh.
Bud, bribe, gift.
Burde, board, table.
Burd-clayth, table cloth.
Burding, burden, load.
Burgh greve, Burow greff, Burow greyff, magistrate of a burgh.
Buthis, booths.
But, without.
Butis, boots.
By, to buy.
By, beside, without.
Byd, to offer.
Byde, to wait.
Byddin, offered.
Bydding, order, commandment.
Byggyd, Byggit, built.
Bynd, size in bulk or number; a bynd of skins contained twenty-four skins.
Byrthyng, a burden.

Caldronys, caldrons, kettles.
Calwis, calves.
Can, Cannage, custom.
Cannes, canvas, coarse hempen cloth.
Cark, a load, a burden, a package.
Carkyt, laden.
Castellayne, a castellain, a constable or keeper of a castle.
Catallis, chattels, moveable goods.
Catell, cattle.
Cavel, Cavyll, a lot.
Ces, cease.
Chace, to chase.
Chalance, challenge, accuse.
Chalangit, challenged, accused.
Chaldre, chalder.
Challangeoure, challenger.

CHALMERLAN, CHAMERLAN, CHAUMERLANE, chamberlain.
CHAR, a waggon, a car.
CHASTY, to chastise.
CHASTYTE, chastised, corrected.
CHAULANCE, challenge.
CHEFE, chief, principal.
CHESE, choose.
CHESYING, choosing, election.
CHEUERONYS, CHEVERONS, rafters, spars.
CHILDER, CHYLDER, children.
CHIP, to sprout.
CHURL, a rustic, a bondman.
CHYLD, child.
CHYMNAY, a chimney.
CLAITHES, clothes.
CLAME, claim.
CLATH, cloth; CLATHT, clothed.
CLED, clad, clothed.
CLENGE, to cleanse, purge, exculpate.
CLER, clear.
CLERC, clerk.
CLOSOUR, enclosure.
CODLYING, a small codfish.
COLECT, COLLEC, collection, tax.
COMMON, to share equally.
COMMON-GUDE, the property of a burgh.
COLEMOTH, coalfish.
CONCEILED, concealed.
CONDAMPNIT, condemned.
CONFERME, confirm.
CONNYNG, knowledge, skill.
CONQUEST, lands acquired as distinguished from inherited lands.
CONSAILE, council.
CONSIGNANCE, *see* Cosingnance.
CONSTREIGNYE, to constrain.
CONSUETUD, custom.
CONTAK, contention.
CONVYKKYT, convicted.
COP, a cup, or drinking vessel.
CORDEWANE, a kind of leather, prepared in imitation of that of Cordova in Spain, which was highly valued, and resembled the modern morocco leather.
COSINGNACE, COSYNAGE, relationship by blood, cousinage.
COUERIS, covers.
COUNSALIT, counselled.
COURAY, to curry, to dress or prepare tanned leather.
COUKES, cooks.
COYMN, cumin seed.
CRAYOUR, CREAR, a small merchant ship.
CREANCE, credit.
CREANSOUR, creditor.
CREESCH, CREISCH, CRESCHE, grease, fat.
CRIOUR, an inferior officer of the burgh, a beadle, a sergeand.
CROUF, a kind of hide.
CRYAND, crying.
CRUK, crook, an instrument for hanging a pot over the fire.
CRUKYT, crooked, decrepit.
CUK-STULL, cucking-stool.
CUM, to come.
CUMMANDE, coming.
CUMIS, CUMMYS, comes.
CUNNARIS, tasters.
CUNNABILY, proportionably.
CUNNING, knowledge, skill.
CUNNIS, tastes.
CUSTUMARIS, customers, collectors of custom.
CUT, a lot.

DAI, day.
DAKER, ten, or according to the old mode of computation, twelve of a commodity; a dacre of hides was probably one sixth of a last.
DAUR, dare.
DAWYING, dawn, dawning.
DECRETYD, decreed.
DEDE, death.
DEE, DEY, to die.
DEFALT, default.
DEFFORSYT, deforced.
DEID, dead.
DEIDIS, deeds.
DEIR, to raise the price of.
DEIS, dies.
DELT, dealt, laid out, appropriated.
DEM, to judge, to ordain.
DEMAYN-BREAD, the finest or whitest wheaten bread; *Panis Dominicus*, 'Bread of our Lord,' so called, according to Mr Riley, from having a figure of our Saviour impressed upon it. Bread of Mayne, *see* Mayne Bread.
DEMPNIT, judged, ordained.
DEMYT, judged.
DEN: DENARIUS, a penny.
DERE, dear, precious.
DERENE, DERENYEIT, to determine a right.
DESTRENYEIT, distrained.
DET, DETTE, debt.
DETTOUR, DETTUR, debtor.
DEYNSEENS, denizens, residents.
DICHT, to prepare.
DIFFENDIT, prohibited.
DIFFORS, deforce.
DISHERYSIT, disinherited.
DIREKIT, directed.
DISPEC, suspicion.
DISPERSONYS, DYSPERSONYS, asperses, slanders.
DISPONAND, disposing.
DISSES, dies.
DISTROBILL, to disturb.
DISTROBILLANCE, disturbance.
DITES, indites, directs; indicts, accuses.
DOANDE, doing.
DOCHTAR, daughter; DOCHTRYS, daughters.
DOIS, does.
DOME, doom, judgment.
DONKE, dank, moist.
DONGYN, DOUNGIN, driven, beaten, struck.
DOUT, doubt.
DOW, to endow.
DRAWAGE, a fee for carriage.
DREDE, dread.
DRYNKAND, drinking.
DUBBLAR, a large wooden platter.
DUELL, dwell.
DUELLANDE, dwelling.
DUR, DURE, a door.
DURANDE, during.
DUSANE, dozen.
DYCHT, prepared.
DYSHERYSING, disinheriting, depriving of one's right.
DYSPENCE, expence.
DYSSAYT, deceit.
DYSTROBLANS, disturbance.

EARIS, ears.
EARLES, earls.
EFFEIRS, befits.

EFTER, EFTYR, after, according.
EFTIRWART, afterwards.
EIR, ear.
ELDE, age.
ELD-FADER, grandfather.
ELLIS, ELLYS, else, otherwise.
ELNE, ELWAND, a measure of length, containing thirty-seven inches.
EMPARE, to impair.
ENCHESON, ENCHESOUN, reason, cause, occasion.
ENSELIT, sealed.
ENTERMETTYN, intromission.
ERD, ERDE, earth.
ERDYT, buried.
ERE, ear.
ERLIS, ERLYS, earls.
ESSONZEIS, excuses for absence.
ET, ETE, to eat.
ETIN, eaten.
ETTILL, design, aim, attempt.
EVEN-SANG, evening-song, vespers.
EWIL, evil.
EXPREME, to express.
EYLD, EYLDE, *see* Elde.
EYS, ease.
EYRIS, ears.

FADRE, father.
FADYR-HALF, father's-half, father's side.
FAILYE, to fail.
FALOUSCHIP, fellowship, society.
FALOWIS, fellows, equals.
FALS, false.
FALSET, falsehood.
FALT, default.
FALTIS, offends.
FANG, stolen goods found in the thief's possession.
FAR, to stuff, cram, fill full.
FARCOST, a small trading vessel.
FARDING, a farthing.
FARTHINGMAN, an officer or magistrate of a burgh having charge of a quarter.
FASTENING, custody.
FAUSE, false.
FAUT, fault.
FAYRE, fair, market.
FECHT, fight.
FEE, a right of property as distinguished from liferent.
FEE, feu, *feodum*.
FEALE, FEEL, faithful, loyal.
FEFT, infeft.
FELLING, breaking contract.
FEIRD, FERD, fourth.
FERDING, farthing.
FERM, firm.
FERME, FERMYS, rent, rents.
FERMOUR, a tenant; one holding at a yearly rent; a tacksman of public taxes or customs.
FERRAR, farther, more distant.
FERTHINGMAN. See Farthingman.
FESTE, feast.
FESTYNING. See Fastening.
FESTNYT, fastened, bound, engaged.
FESTIN, FESTYN, to fasten.
FETHIR-BED, feather bed.
FEU, FEW, FEUFERME, a tenure of property in perpetuity; also the annual rent of the same.
FEUFERMAR, one who holds a possession in feu.
FEWTE, fealty.

FEYLDE, field.
FEYT, feet.
FIAR, the person in the fee of an estate.
FILE, defile.
FIRMYN, a place of confinement, a prison.
FIRRETTIS, ferrets.
FISCHERS, fishers.
FLA, FLAY, to skin.
FLESCHE, flesh.
FLESCHOWER, FLESCHWAR, FLESCHEWAR, flesher, butcher.
FLUD, flood.
FLURE, floor.
FOIRPART, front.
FOLOWAND, following.
FOLLOWAR, pursuer, plaintiff.
FOREFALTOUR, forfeiture.
FORFALT, FORFAUTE, FORFAUTING, forfeit, fine, unlaw.
FORBYARIS, buyers before the proper time.
FORCAST, *see* Farcost.
FORGRYP, to discharge a cargo.
FOROTH, before, in presence of.
FOROUTYN, without.
FORREYNS, not resident.
FORSPOKYN, pleaded.
FORSTALLAR, FORESTALLER, one who buys merchandise before it comes to the market, or before the time appointed for the sale.
FORSWER, to forswear, to abjure.
FORTHI, therefore.
FORTHIRLY, further.
FOTMEL, a weight of lead of ten stones.
FRA, from.
FRAEL, a basket made of rushes.
FRANK-TENEMENT, freehold possession.
FRAUDFULLY, fraudulently.
FRAWARTSCHYP, frowardness.
FRENDIS, friends.
FRENDSCHIP, friendship.
FROYTIS, fruits.
FUNDYN, found, finding, providing.
FURM, a form, a bench.
FUT, foot.
FYGYS, figs.
FYN, fine.
FYNDYN, finding, providing.
FYRE, fire.
FYRST, first.
FYSCH, FYSCHE, fish.
FYSCHAR, FYSSCHARE, a fisher.

GA, to go.
GADDER, to gather.
GADDYS, bars of metal.
GAF, GAIF, gave.
GAIS, goes.
GAIT, goat.
GANG, to go, to walk.
GANGANDE, going.
GAR, to cause.
GARNELL, a granary, a large chest for holding meal.
GATE, a way.
GAUGERIE, weights and measures.
GÁYT, goat.
GEDYR, gather.
GEIR, goods, property.
GER, to make, to cause.
GEYF, GEYFF, to give.
GEISS, GEYSE, geese.
GEYTE, goats.
GIF, if.

GILD, a fraternity or association of persons instituted for mutual protection.
GILD-BROTHER, a member of a gild.
GIRNELL, *see* Garnell.
GIUEN, given.
GLEW, glue.
GLEWIS, GLUVIS, gloves.
GOTTEN, got.
GRAITH, GRAITHT, apparatus of any kind, furnishings, wearing apparel.
GRAITH, GRAYTH, to make ready, to prepare.
GRANTAND, granting, admitting.
GRAUNT, to grant, to admit.
GREFF, grieve, steward.
GREIT, great.
GRENE, green.
GRESE, grease.
GREATING, greeting.
GRETAND, crying, weeping.
GRETE, great.
GREVVF, grief.
GRIS, GRYSE, a common grey fur.
GRIS, GRYCE, a pig; GRYSYS, pigs.
GRYSANDE, grey.
GRYNDE, grind.
GRUNDE, ground.
GRUNDIN, ground.
GUD, good.
GUDIS, goods.
GUILD, *see* Gild.
GYF, if.
GYLE, guile.
GYLFAT, the vat used for fermenting wort.
GYNGER, ginger.
GYRTH, protection, sanctuary.

HADDE, had.
HAFE, have.
HAFFAND, having.
HAIL, whole.
HAL, HALE, sound.
HALD, HALDE, to hold.
HALY, holy.
HAND-HABANDE, having in hand the stolen goods.
HANT, to practise, to frequent.
HAP, HUP, the circular wooden frame which surrounds mill stones.
HAPYNNANDE, happening.
HAR, a hare.
HARMYS, harms, injuries.
HATRENT, hatred.
HAUAND, having.
HAUE, have.
HAULDAND, holding.
HAVYNNIS, havens.
HAWYS, halves, parts.
HE, high.
HEDE, head.
HEIL, HELE, health.
HELYT, covered.
HENNYS, hens.
HER, hear.
HERBERY, to inhabit, to reside, to lodge, to harbour.
HERDE, heard.
HERE, to hear.
HERETAGE, lands inherited, as distinguished from lands acquired.
HEREZELDE, HEREYELDE, the best horse, ox, or cow belonging to the vassal or tenant, which on his death was due to the superior or landlord.
HERLEBREKING, arle-breaking, breaking contract.

HERSHIPS, plunders.
HERT, hart.
HERYN, herring.
HESSIL, hazel.
HEVYD, HEWID, head, principal.
HEW, hue, colour.
HEYAR, higher.
HIDERTILL, hitherto.
HING, to hang.
HINGAND, hanging, pending.
HOG, a young sheep before it has lost its first fleece.
HONY, honey.
HORS, horses.
HORNES, horns.
HUKSTARIS, hucksters.
HUP, *see* Hap.
HUSHALDE, household.
HYDIS, hides.
HYRE, hire.
HYRYT, hired.

ILK, each.
ILK, the same.
ILKANE, every one.
IMPETRAT, obtained by request.
INCONTINENT, immediately.
INDIUID, undivided.
INEUCH, INOCH, enough.
INLAIK, INLAKE, want, deficiency.
INNOUTH, INWITH, within.
INRYN, incur.
INTRUSE, intrude.
IOYSE, to enjoy.
IRYN, iron.
ISCHE, to issue, to go out.
ISCHE, issue, the act of passing out.
IVIL, IVYLL, evil.

KARK, a load, a burden, a package.
KEIPE, to keep.
KELING, KEELING, large cod fish.
KELLIS, nets.
KEMESTAR, wool comber.
KENRIK, kingdom.
KEPAR, keeper.
KETILL, kettle.
KILL, kiln.
KIST, chest.
KNAYFE, boy.
KNAYF-CHYLDE, male child.
KNAW, to know.
KNYF, knife, knives.
KNYT, knit.
KUKSTULE, cucking-stool.
KW, cow.
KYLL, kiln.
KYNRYK, kingdom.
KYRSET, respite, delay in payment.
KYST, chest.

LACHFULL, lawful.
LAFF, loaf.
LAF, LAIF, LEIF, rest, remainder.
LAM, lamb.
LANG, long.
LANGAR, longer.
LARDNER, LARDNARE, probably lard or bacon, or the place where bacon and other flesh meats were kept.
LAST, a weight or measure. A last of wool = 10 sack; of fish = 12 barrels; of corn = 10 quarters; of hides = 12 dozen.

LASTAGE, custom levied upon wares sold by the last.
LATT, to let.
LATTIN, let.
LAUCH, law.
LAVE, rest, remainder.
LAWER, lower.
LAWAR, a laver or vessel to wash in.
LAWH ,LDARIS, lawholders.
LAWTE, loyalty.
LAYANDE, laying.
LAYFF, rest, remainder.
LAYNE, to conceal.
LEDDIR, LETHIR, leather.
LEDE, to lead.
LEDE, lead.
LEDE, a load.
LEEL, true, lawful, faithful, loyal.
LEIF, to live.
LEFF, left.
LEFFANDE, living.
LEFE, leave, permission.
LEFFIS, permits.
LEGE POUSTIE, *see* Liege Poustie.
LEFULL, LEIFFUL, lawful.
LEIL, *see* Leel.
LEKYS, leeks.
LEL, LELE, *see* Leel.
LELELY, faithfully, loyally.
LEN, to lend.
LENTH, length.
LESE, loss.
LESTANDE, enduring.
LESTE, least.
LESTIS, pleases.
LET, to impede, to prevent.
LET, impediment.
LETERIS, letters.
LETHERYT, curried.
LETTIS, prevents, hinders.
LEYD, an implement formerly used in brewing.
LEYFF, to leave.
LEYFF, leave, permission.
LEYFF, to live.
LEYIT, lied.
LEYNG, ling-fish.
LIB, *libra, pondus*, a pound.
LIEGE-POUSTIE, the state of health in which a person has full power to dispose of his property.
LIF, life.
LIPPER-FOLK, lepers.
LIT, to dye.
LITILL, little.
LITSTAR, dyer.
LOFFABIL, loveable, laudable.
LOK, lock.
LOKKYS, locks.
LOT, LOTH, a lot.
LOUSSIT, loosed, released, absolved.
LUF, LUFE, love.
LUFANDLY, lovingly.
LUFERENT, love, favour.
LIGHT, LYCHT, day.
LYFF, life.
LYK, to like.
LYKAND, liking.
LYKIS, likes.
LYMYTIS, limits.
LYNER, an officer who measures or defines the boundaries of land.
LYNYN, linen.
LYTSTAR, dyer.
LYTT, to dye.
LYTTIT, dyed.

MA, MAE, MAR, MARE, } more.

MADDER, MADYR, a plant used in dyeing red.

MAILIS, duties, rents.

MAILL-MAN, a tenant paying maill.

MAIRT, a cow or ox killed at Martinmas for winter provision.

MAISTER, master, one who has taken the university degree of A.M.

MAK, make.

MALAR, *see* Maill-man.

MALETOUT (French), a tax.

MANESUORNE, perjured.

MAR, mayor.

MARCATE, market.

MARCHAND, merchant.

MARCHANDYS, merchandise.

MARCHET, *Marcheta mulierum*, the tax or fine paid by the vassal on marrying his daughter.

MARE, mayor.

MARK, money of the value of 13s. 4d.; also a weight of eight ounces.

MARTIN, ST., Feast of, Martinmas, 11th November.

MARTRIK, a marten.

MASAR, a drinking cup.

MASK-FAT, a vat for brewing.

MASKIT, infused.

MASTYR, *see* Maister.

MAYD, made.

MAYDYN, a maiden.

MAYNE-BREAD, the finest wheaten bread, *see* Demayn.

MEASURAND, measuring.

MED, MEYD, price, gain, reward.

MEID, mead.

MEIKLE, MEKYL, MYKIL, MUCKLE, great.

MELE, meal.

MEMBRYS, MEMBRYCE, members.

MENDIS, amends, compensation.

MENGIE, MENYIE, MEYNYE, MENYHE, a multitude, a company, forces.

MENGE, to mix, to blend.

MENYS, lessens, diminishes.

MERCATE, market.

MERCERY, small wares that were weighed by *avoirdupois*, in contradistinction to those weighed by the trone, or great beam, and sold wholesale.

MERCHES, marches, boundaries.

MERCHET, *see* Marchet.

MERCYMENT, fine.

MERK, to mark.

MERK, *see* Mark.

MERKIS, marches, boundaries.

MERSAR, a merchant, one who sold by retail.

MERTIN, *see* Martin.

MERTRIK, a marten.

MESAL, leprous, foul.

MESURE, measure.

MESURIS, measures.

MET, to measure.

METE, meat.

MICHAEL, ST., Feast of, Michaelmas, 29th September.

MIDDIS, midst, middle.

MILLARIS, millers.

MISTER, to need, to be in want of, to be reduced to difficulties.

MODYR, mother.

MOOT, meeting, public assembly, court.

MONE, money.

Mornynge, morning.
Morningift, Morwyngyft, the gift by a husband to his wife on the morrow of the marriage.
Mote, plea, action, quarrel.
Mote, to plead, pleaded.
Mudyr-half, mother's half, mother's side.
Muffyt, moved.
Mukeryn, gain.
Multyr, multure, the fee for grinding grain.
Munonday, Monday.
Mute, *see* Mote and Moot.
Mydlyn, midling, average sized.
Mydmorne, the first hour of the artificial day, according to the ancient reckoning, *i.e.*, six o'clock.
Mylne, a mill.
Mysal, Mysil, leprous, foul.
Mysdede, misdeed.
Mysgilt, misdeed, improper conduct.
Myssais, aspersions, slanders.
Mystir, *see* Mister.

Na, neither, nor.
Na, no, not.
Nakyn, no kind of.
Nane, none.
Nathyng, nothing.
Nativity of our Lord, Christmas, Yule, the 25th December.
Nayn, none.
Nebbis, bills of birds.
Nede, need.
Nef, fist.
Nemmyn, to name.
Nemyt, named.
Nerrest, nearest.
Neste, next.
Neyrhande, nearhand.
Nicht, night.
Nocht, not.
Nop-bed, a bed made of wool, a flock-bed.
Nother, neither.
Nowte, cattle.
Noye, annoyance.
Nycht, night.
Nychbour, Nychtbour, a neighbour, a fellow-townsman.
Nychtertale, night time.
Nyte, to deny, to dispute.

Ob: *obolus*, a halfpenny.
Ocht, aught.
Otyr, otter.
Onie, Ony, any.
Onyonys, onions.
Ordinans, ordinance.
Oste, host, army.
Otyr, other.
Our, Oure, over.
Our-mekill, overmuch.
Our-pressyt, overpressed.
Outakyn, besides, except.
Out gang, out going.
Outquyte, to discharge, to free a property by payment of the debt upon it.
Outtane, except, besides.
Outwith, beyond.
Ouynis, ovens,
Ovyn, oven.
Oyle, oil.
Oysis, uses.

Oystris, oysters.
Oysyt, used.

Pais, Easter.
Pais, weight.
Pak, pack.
Palfra, palfrey.
Pannys, pans.
Pasche, Paske, Easter.
Passand, passing.
Passit, past.
Passyt, passed.
Paynis, pains, penalties.
Payr, pair.
Pece, peace.
Peces, pieces.
Pelourе, fur.
Pentecost, Whitsunday, 15th May.
Pepyll, people.
Perall, peril.
Peris, peers, equals.
Peroffyr, pre-offer, to offer previously.
Pertenand, pertaining.
Pertenys, pertains.
Pertit, parted, apportioned.
Perty, party.
Perysit, perished.
Pes, peace.
Pesably, peaceably.
Pese, pease.
Petys, peats.
Pile, a kind of iron, perhaps hammered. [107.10]
Pipouderous, dustyfeet, pedlars.
Pith, strength, power.
Plainyie, to complain.
Plane, full.
Playnt, plea, action, quarrel, complaint.
Playnly, plainly.
Plede, debate, quarrel.
Plenyeour, complainer.
Pleyes, pleas.
Plenye, Plenyie, Pleynye, *see* Plainyie.
Pluch, plough.
Ply, plight, condition.
Pock, bag.
Pokat, pocket, bag.
Pontage, a bridge toll.
Porcioun, portion.
Portes, ports.
Posnèt, *fissum*, a small skillet basin or porringer.
Pottys, pots.
Pouer, power.
Poynt, point.
Preiff, prove.
Prejoysit, enjoyed.
Prelocutor, forspeaker, advocate.
Prescryved, prescribed.
Presone, prison.
Prew, to prove.
Preyff, proof.
Priours, priors.
Prisaris, appraisers, pricers of goods.
Prise, price, value.
Prised, valued.
Privateis, private affairs.
Profe, prove.
Profyr, to proffer, to offer.
Prolocutor, *see* Prelocutor.
Properte, property.
Proue, prove.
Prowyt, proved.
Pruff, proof.

PRUFF, to prove.
PRUFFYT, proved.
PRYOURIS, priors.
PRYSE, price.
PUND, pound.
PUND, PUNDE, poind.
PUNDING, poinding.
PUR, pure.
PUIR, poor.
PURPRISIOUN, the invasion of the rights of a superior.
PURUAY, purvey, provide.
PURWAYIT, purveyed, provided.

QUAD, *quadrans*, a farthing.
QUERELL, quarrel.
QUHYTREDYS, weasels.
QWYTE, quit, free from.
QUYK, alive, living.

RADE, roadstead.
RADNES, fear, timidity.
RASYS, raises.
RASYNYS, rasins.
REBELLOURIS, rebels.
REDDIE, REDY, ready.
REDHAND, fresh from slaughter.
REDIS, reads.
REDYLY, readily.
REFT, robbed, spoiled.
REGRATTER, one who buys merchandise, and afterwards sells the same for a greater profit than may be lawfully exacted.
REIF, robbery.
RELYFFIT, relieved.
REMANANDE, remainder.
REMAYNAND, remaining.
REMUFFIT, removed.
RESAF, receive.
RESOUN, reason.
RESSAUIT, received.
RESTORANS, restoration.
RETRETT-WARDIS, return.
REVEL, reveal.
REVISSING, ravishing.
REYK, smoke.
RICHT, right.
RIS, rice.
RITCH, rich.
ROL, roll.
ROMPIL, RUMPLE, he rump, the tail.
ROTTIN, rotten.
ROUME, room, place.
RUD, RUDE, rood.
RUGOUR, rigour.
RUNGYN, rung.
RYCHT, right.
RYCHTUIS, righteous.
RYCHTWISLY, righteously.
RYDIN, ridden.
RYN, to run.
RYNGING, ringing.
RYNNYS, runs.

S., *solidus*, a shilling.
SACK OF WOOL, a measure of wool containing forty stones troy.
SADELL, SADIL, SADYL, saddle.
SAIP, soap.
SAL, shall.
SALBE, shall be.
SALE, seal.
SALD, SALDE, sold.
SAMEIKELL, so much.

SAMINE, SAMYN, same.
SAMYN-BREAD, *see* Alsamyn. [141.9]
SAPE, soap.
SARJANTS, sergeands.
SASINE, investiture in lands.
SAUF, SAUFFE, save, except.
SAUFFE, to save, to defend, to protect.
SAUFFAND, SAUFFANDE, saving, reserving, except.
SAULE, soul.
SAUNE, sown.
SAYME, lard, fat.
SAYP, soap.
SAYRLY, sorely.
SCAMEL, a bench, in plural, shambles.
SCAITH, SCATH, SCATHE, injury.
SCHAPIN, shaped.
SCHATHIT, injured.
SCHAWE, to show.
SCHEPE, sheep.
SCHERE, SCHEYR, to divide, to cut.
SCHEYTTIS, sheets.
SCHEF, a certain quantity of iron or steel.
SCHIPP, ship.
SCHO, she.
SCHONE, shoes.
SCHORLYNG, SCHOIRLING, the skin of a shorn sheep.
SCHORNE, shorn, cut.
SCHREDIS, shreds.
SCHYP, ship.
SCHYRN, an instrument for cutting, a shearing hook.
SCHUT, to shoot.
SCLANDERARIS, slanderers.
SCOTTIS-SEY, the Frith of Forth.
SCREDIS, shreds.
SEABILL, visible.
SEE, sea.
SEELE, seal.
SEGE, seat, place.
SEISIN, *see* Sasine.
SEIKNES, SEKNES, sickness.
SEIL, seal.
SEIS, sees.
SEK, *see* Sack.
SEK, seek.
SEKYR, sicker, sure, secure.
SEL, seal.
SEL, sell.
SELDIN, seldom.
SELLYS, sells.
SELYT, sealed.
SERIAND, SERGEAND, a beadle, an inferior officer in the court of justice.
SERUANDIS, servants.
SESING, SESYNG, *see* Sasine.
SESYN, possession.
SESSING, session.
SESSON, season.
SET, planted.
SET, seat, place.
SETTING, a weight containing 24 marks.
SETWELL, zedoaria, herb.
SEYK, sick.
SHERAY, sheriff.
SIC, SICK, SIK, such.
SICKERLY, surely, firmly.
SKAITH, SKAYTH, injury, damage.
SKAMYLL, *see* Scamel.
SKLANDERERS, slanderers.
SKUREL, squirrel.
SKYNNIS, SKINNIS, skins.
SLA, to slay.
SLAKYT, slackened, relaxed.
SLEUIS, sleeves.
SMA, small.
SMOLTS, the fry of salmon.

Smyttyn, smitten.
Some, *see* Soume.
Somer, Somyr, summer.
Somertane, summer-time.
Somevir, soever.
Somondis, summons, citation.
Somyt, some.
Sonis, sons.
Sonnys, sons.
Soume, number, a horse load.
Soune, sun.
Soutar, Sowter, shoemaker.
Sowmyt skaithis, damages taxed, modified, or ascertained.
Soyt, suit.
Soytis, suits.
Soytour, suitor.
Sow, to sew.
Spair, spare.
Spar, spare.
Speed, Speid, to have success, to prosper, to fare.
Spewill, bad.
Sperit, asked, inquired.
Spittle, Spytaile, an hospital.
Spulyeit, spoiled, despoiled.
Spunys, spoons.
Sqwallaris? [148.21]
Stabillying, maintaining.
Stadd, inclined, disposed.
Stal, to make water.
Stallage, duty paid for liberty to erect or use a stall.
Stallangear, one who sells goods in a stall during a market.
Stanche, to assuage.
Stane, a measure of weight.
Stane, stone.
Stank, a pool, a pond.
Stede, place.
Stedhaldand, substitute, one doing duty for another.
Stedis, places, stations.
Steid, stead.
Steik, Steak, Stek, to shut, to close.
Steip, to steep.
Stele, steel.
Sterapis, stirrups.
Sterys, stirs.
Stingisdint, Styngisdint, Stoksdinit, a stroke with a baton or stick.
Stop, a stoup, a pitcher.
Streik, to engage in any work.
Streinyeable, distrainable, poindable.
Streym, stream.
Streyt, street.
Stryk, strike.
Strykis, strikes.
Strikyne, stricken.
Stull, a stool.
Sty, a stye.
Stynkand, stinking.
Subsyde, subsidy.
Suer, Suere, swear.
Suffyciand, Suffycyande, sufficient.
Suilk, such, whatever.
Suilke, Suylk, silk.
Sulde, should.
Summonde, to summon.
Suspek, suspect.
Suth, truth, verity.
Suthfast, true.
Suthefastness, truth, verity.
Swa, so.
Swilk, such.
Swyn, swine.
Sycht, sight.
Syk, such.

SYKERLY, surely, firmly.
SYMNEL-BREAD, bread of the finest wheaten flour.
SYMPILLY, simply.
SYN, SYNE, seeing.
SYNDRY, sundry.
SYNE, then, afterwards.
SYSTERIS, sisters.

TABERNARIS, tavern keepers.
TACKAND, taking.
TAISTERS, tasters.
TAK, take.
TAK, tack, lease.
TAKYN, token, sign.
TANE, taken.
TANE, the one.
TAPPYT, broached for sale.
TAPPAND, tapping, selling.
TAST, taste.
TAULCH, tallow, grease.
TASSAL, teazel; cloth makers' thistles.
TAUERNARIS, retailers in taverns.
TAVARNYT, sold in retail.
TAVERNYS, puts up, lodges.
TAYNTYT, tainted.
TENEMENT, a house; often denoting a building which includes several separate dwellings.
TERMYS, terms.
TERR, tar.
THEME, jurisdiction in matter of bondage, perhaps also right to hold bondmen.
THIRE, these.
THOLE, to bear, to endure, to suffer.
THREDE, THREID, thread.
THRUCH, THRU, THRW, through.
THRYIS, thrise, thrice.
THRYLL, slave.
THRYMS, thrums, short threads.
THUERTNAY, TUERNAY. "That is," according to Skene, "as in the old English books, the husband may do richt for his wife in courts of the burgh."
THYNG, thing.
TILL, to.
TIMMER, timber.
TIMMER, *see* Tymmer.
TODDIS, foxes.
TOLL, custom.
TOME, empty.
TON, cask.
TONNYS, tuns, casks.
TOTHIR, TOTHER, the other.
TOWALL, towell.
TREST, the frame supporting a table.
TRET, treat.
TRETYT, treated.
TREW, true.
TRONE, a balance or beam used for weighing coarse and heavy commodities.
TRONE (THE), the place at which such commodities are weighed.
TRONARES, those who kept the trone.
TROW, to believe in, to confide in, to trust.
TROWYT, trusted.
TUECHES, touches.
TUICHEAND, touching.
TUK, took.
TUNN, to put in a tun or cask.
TURNIS, converts.
TURSEL, a bale, bundle, or package.
TUYIS, twice.

Twal, twelve.
Tweeches, touches.
Twertnay, *see* Thuertnay.
Twyis, Twyse, twice.
Tymmer (of skins), a timmer of skins usually consisted of forty skins packed between two boards, in which way merchants were in use to bring home marten, sable, and other costly skins and furs.
Tymmer, timber.
Tynsale, loss, forfeiture.
Tyn, Tyne, lose, forfeit.
Tynt, lost, destroyed, forfeited.
Tym, time.

Uill, will.
Uncouth, strange.
Undergan, undergone.
Undern, the third hour of the artificial day, according to the ancient reckoning, *i. e.* nine o'clock A.M.
Unforgyffyn, unforgiven.
Unpowar, want of power.
Unwemmyt, whole, entire.
Uplandis Man, a man who lives in the country, as distinguished from one who lives in town, a rustic.
Upolande, upland.
Usyt, used.
Utouth, Utwith, outwith, beyond.

Valde, would.
Valar, Vale, Valour, Valw, value.
Vavasour, vassal.
Vennel, an alley, a lane.
Verray, very.
Veyhtis, weights.
Vnderly, underlie.
Vndetfully, wrongfully.
Vndoyng, undoing.
Vnhailsum, unwholesome.
Vnionnis, onions.
Vnpruffit, unproved.
Vnreulfully, ungovernably, contrary to rule.
Vntastyt, untasted.
Vnyon, union.
Vpraysit, upraised.
Vsys, uses.
Vtouth, beyond.
Vtought, without.
Vysaste, wisest.

Wache, to watch.
Wad, woad, a dye stuff.
Wadset, to impledge heritable property.
Wakis, watches.
Wakstaff, watchmen.
Wakyng, watching.
Wald, *see* Wad.
Walde, would.
Walew, value.
Walkaris, Wakaris, walkers.
Walx, wax.
Wame, belly.
Wane, filthy.
Wapin, weapon.
Wapnys, weapons.
War, were.
Wardane, warden, keeper.
Warryt, injured, made worse.
Wast, waste.
Wastell, bread of second quality,

inferior to semnel-bread, or *pani demayn;* a thin cake of oatmeal baked with yeast.

WAT, knew.

WATE, to know.

WAW, a wey, a load; a measure of twelve stones, each stone weighing eight pounds; a waw of wool contained half a sack.

WAYIS, ways.

WAYNE, a wain, a waggon drawn by horses or oxen.

WAYNE, vain.

WECHT, weight.

WED, WEDE, pledge.

WEDDIS, pledges.

WEDOUS, widows.

WEDSET, *see* Wadset.

WELE, weal, health, wellbeing.

WENAL, vennel, an alley, a lane, a close.

WERE, to guard, to defend.

WERE, war.

WERRAY, very.

WERSYT, made worse.

WEY, to weigh.

WEY, *see* Waw.

WEYAND, weighing.

WHAIS, whose.

WHEDER, whether.

WHELK, which.

WHETE, wheat.

WHILKIS, which.

WHITTRETS, WHYTREDYS, weasels.

WHYT, white.

WIDDERIT, withered.

WIRK, work.

WITHOUTYN, without.

WIT, with.

WOB, web.

WOD, *see* Wad.

WOD, wood.

WOLK, week.

WOLL, wool.

WONNANDE, residing.

WONNYN, obtained.

WONNYNG, dwelling.

WONNYS, resides, dwells.

WORDLAIK, offence in word.

WOT, knew.

WRACK, wreck.

WRANGWISLY, wrongously.

WROCHT, wrought.

WROTH, wrath.

WRYT, writing.

WTENSELY-THINGIS, utensils.

WYN, wine.

WYN, to reside.

WYNDOWIS, windows.

WYNNING, profit, gain.

WYNTER, winter.

WYS, WYSE, ways, as in onywise, anywise.

WYSLY, wisely.

WYT, to know.

WYTANDLY, wittingly, knowingly.

YELDE, yield, return, repay.

YEME, to keep.

YET, YETT, a gate.

YETTES, gates.

YHARDE, yard.

YHARNE, yarn.

YHARNE, to desire eagerly.

YHELDE, to yield, to pay.

YHEME, to keep.

YHEMSELL, YHEMSALE, keeping, custody.

YHERE, year.
YHETE, yet.
YHETTIS, gates.
YHULE, Christmas, 25th December.
YIT, yet.
YOILL, YULE, Christmas, 25th December.
YOW, you.
YRNE, iron.
YUR, your.
YYM, to keep.

ZERE, year.

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